

ATTACHMENT B

RESOLUTION NO. 2019-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RESCINDING AND REPLACING RESOLUTION 2015-77 RELATING TO THE PARAMEDIC SUBSCRIPTION PROGRAM SERVICE CHARGES PURSUANT TO CHAPTER 5.60 (PARAMEDIC SERVICE USER FEES) OF THE NEWPORT BEACH MUNICIPAL CODE

WHEREAS, the City Council of the City of Newport Beach ("City Council") is authorized pursuant to Chapter 5.60 of the Newport Beach Municipal Code ("NBMC"), to establish, by resolution, user fees and charges for the provision of paramedic or emergency medical services ("EMS");

WHEREAS, the City of Newport Beach ("City") has, since 1975, maintained and operated a paramedic service program for the community by providing funds for emergency personnel and equipment in support of EMS operations;

WHEREAS, in 1976, the City Council adopted Ordinance No. 1692 to establish a reasonable service charge to be paid by persons using the City's paramedic services to assist in defraying a portion of the costs incurred from maintaining paramedic service operations;

WHEREAS, the City currently maintains three Advanced Life Support ambulances; two standby ambulances with Advanced Life Support and Basic Life Support capabilities for periods of high call volume; and, the fire engine closest to a call for service also provides emergency medical services;

WHEREAS, as a component of the City's comprehensive EMS system, the City provides emergency ambulance transportation services;

WHEREAS, the City, through automatic aid agreements, provides and receives emergency medical services to and from nearby public entities such as the cities of Costa Mesa, Huntington Beach, Laguna Beach, and Irvine (Orange County Fire Authority);

WHEREAS, the City's General Fund revenues currently defray a portion of the cost of providing emergency medical services;

WHEREAS, it is estimated that 60 percent of the calls for emergency medical services are from residents;

WHEREAS, the revenue generated by the charges established in this Resolution will be used solely to maintain and enhance the City's ability to provide paramedic and emergency medical service and emergency ambulance transportation service within the City and in other jurisdictions pursuant to automatic aid agreements;

WHEREAS, in 2015, the City established the Paramedic Subscription Program through Resolution 2015-77 whereby residents and businesses located within the City could pay a yearly fee to cover out-of-pocket expenses for various paramedic services; and

WHEREAS, the City has successfully deployed the program since adoption and now seeks to rescind and replace Resolution 2015-77 with this Resolution which revises and clarifies Paramedic Subscription Program membership and coverage restrictions.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: City Council Resolution 2015-77 is hereby rescinded and replaced with this Resolution.

Section 2: This Resolution establishes a Paramedic Subscription Program. The basic concept of this program is to: (1) establish reasonable charges for all recipients of Advanced Life Support ("ALS"), ALS Non-Transport, Basic Life Support ("BLS"), BLS Non-Transport, and emergency ambulance transportation services provided by the Newport Beach Fire Department; and (2) provide a mechanism for residents and businesses to cap their emergency medical service and emergency ambulance transportation costs while supporting the City's EMS system. The fees and charges authorized by this Resolution are intended to defray the costs of providing a comprehensive EMS program that provides emergency ambulance transportation services within the City of Newport Beach. The fees and charges authorized by this resolution shall be used solely to maintain and enhance the City's ability to provide paramedic and emergency medical services and emergency ambulance transportation services.

Section 3: Definitions. The purpose of this Resolution, the following terms shall be defined as provided in this Section:

- a. "Advanced Life Support" or "ALS" shall mean any advanced life support medical evaluation and treatment performed by paramedics outside of a hospital. This treatment shall follow the current "Advanced Life Support Treatment Guidelines" as specified by Orange County Emergency Medical Services.
- b. "Basic Life Support" or "BLS" shall mean any basic life support evaluation and treatment that is authorized by the State of California Department of Health to be performed by emergency medical technicians and/or paramedics at the scene of a medical emergency.
- c. "Paramedic Subscription Program" or "Program" shall mean a voluntary membership where members shall prepay at a fixed price, the uninsured portion of emergency medical and emergency ambulance transportation services provided by the Newport Beach Fire Department.
- d. "Member" shall mean any Resident Member or Business Member.
- e. "Resident Member" shall mean any person eligible to participate in the Paramedic Subscription Program because of their status as a resident of the City of Newport Beach, a guest of a resident of the City of Newport Beach, or visitor of a resident in the City of Newport Beach and for whom the Subscription Fee has been paid.
- f. "Business Member" shall mean any person eligible to participate in the Paramedic Subscription Program because they are the owner, operator, employee, customer or volunteer of a business located in the City of Newport Beach, and for whom the Subscription Fee has been paid.
- g. "Subscription Fee" shall mean the annual charge, as established by resolution of the City Council which, when paid, entitles eligible persons to participate in the Paramedic Subscription Program and receive ALS, ALS Non-Transport, BLS, BLS Non-Transport, and emergency ambulance transportation services, or other benefits as approved by the City Council without payment of Normal Charges.
- h. "Non-member" shall mean any person who is not eligible to participate in the Paramedic Subscription Program or any eligible person for whom the Subscription Fee has not been paid.

- i. "Normal Charges" shall mean the fee to be paid by any Non-member who receives ALS, ALS Non-Transport, BLS, BLS Non-Transport or emergency ambulance transportation services initiated within the City of Newport Beach and the fees to be paid by Business Members who receive ALS, ALS Non-Transport, BLS, BLS Non-Transport, or emergency ambulance transportation services initiated within the City of Newport Beach at a location other than their workplace.
- j. "Municipal Services Statement" shall mean the bill for water, sewer and other municipal services issued by the City of Newport Beach on a bi-monthly basis.
- k. "Business" shall mean any corporation, partnership, company, business, organization or other entity with a workplace located within the City of Newport Beach with an active business license issued by the City of Newport Beach. Homeowners associations and entities with overnight guests, including, but not limited to, hotels, apartment rental communities, motels, and vacation rental properties, are not considered businesses for the purpose of the definition of a "Business."
- l. "Emergency ambulance transportation services" shall mean transportation by an ambulance of one or more patients resulting from a 911 call to provide for emergency medical services within the City of Newport Beach.

Section 4: Payment for Services. Non-members receiving ALS, ALS Non-Transport, BLS, BLS Non-Transport, or emergency ambulance transportation services within the City of Newport Beach shall pay Normal Charges as specified in this Resolution. In no event shall any person be denied ALS, ALS Non-Transport, BLS, BLS Non-Transport, or emergency ambulance transportation services because of the inability or failure to pay the Paramedic Subscription Fee or Normal Charges required by this Resolution. Members receiving ALS, ALS Non-Transport, BLS, BLS Non-Transport or emergency ambulance transportation services within the City of Newport Beach shall have their payment for services adjusted as described under Member Benefits.

Section 5: Paramedic Subscription Program.

- a. Eligibility. The Paramedic Subscription Program is open to residents and Businesses located within the City of Newport Beach and other persons deemed eligible by regulation promulgated by the City Manager.

- b. Enrollment. Any eligible person or Business who enrolls shall become a Member immediately upon receipt of payment. As long as the Member remains in good payment standing, the Member shall not be required to pay the Normal Charges for emergency medical care and emergency ambulance transportation services.
- c. Members Benefits. Member's Subscription Fee is considered as prepayment of the uninsured portion of ALS, ALS Non-Transport, BLS, BLS Non-Transport, and emergency ambulance transportation charges.

Members shall not be charged directly for emergency medical care and emergency ambulance transportation services if they agree to assign any applicable benefits of any insurance policy to the City for services provided.

In instances where a Member also holds status as a payor for an insurance plan, the benefits of the membership shall not extend to an obligation as an insurance payor. The Member shall still assign any applicable benefits of the insurance policy to the City for services provided.

For Resident Member benefits to apply, the emergency precipitating the call for service must have occurred on the residential property exclusively owned, leased, or rented by the Resident Member in the City of Newport Beach. Any injuries occurring outside the residential property, including, but not limited to, sidewalks, parks managed by a homeowners association, and pools managed by a homeowners association, shall not be covered under the Resident Member's benefits.

For Business Member benefits to apply, the emergency precipitating the call for service must have occurred on the property rented, leased, or owned by the business in the City of Newport Beach. Any injuries occurring outside of the business property, including, but not limited to, sidewalks, alleyways, and parking lots not under the exclusive ownership and control of the Business Member, shall not be covered under the Business Member's benefits.

- d. Paramedic Subscription Fees.
 - i. The annual Paramedic Subscription Fee for a Resident Member shall be \$60.00 per calendar year;
 - ii. The annual Paramedic Subscription Fee for a Business Member shall be calculated per calendar year as follows:

(1) Businesses with 10 owners and employees, cumulatively, or less shall have an annual subscription fee of \$60.00.

(2) In addition to the standard \$60.00 subscription fee, businesses with over 10 owners and employees, cumulatively, shall incur an additional charge of \$25.00 per group of 10 owners and employees, cumulatively, for a maximum of 150 employees (14 additional groups) and a maximum subscription fee of \$410.00.

(3) Businesses with over 150 owners and employees, cumulatively, will not be eligible for the Paramedic Subscription Program.

e. Payment of Fees.

i. Paramedic Subscription Fees for Resident Members shall be paid as follows:

(1) The payment of \$60.00 upon enrollment or annual renewal;

(2) In the event a Municipal Services Statement is sent to the dwelling unit of the Resident Member, the payment of that portion of the annual Paramedic Subscription Fee on or before the due date shown on the statement.

ii. Paramedic Subscription Fees for Business Members shall be paid as follows:

(1) The payment of the required annual Paramedic Subscription Fees upon enrollment or renewal;

(2) In the event a Municipal Services Statement is sent to the business location, the payment of that portion of the annual Paramedic Subscription Fee shown on the Municipal Services Statement on or before the due date shown on the statement.

f. Termination of Membership. Membership may terminate in the event of any of the following:

- i. The City Council of the City of Newport Beach terminates or modifies the Paramedic Subscription Program through rescission or amendment of this Resolution, or a successor resolution, in which event the City shall refund, on a prorate basis, the unused portion of the Member's Paramedic Subscription Fee;
- ii. Failure to pay the Paramedic Subscription Fee on or before the due date shown on the Municipal Services Statement. Membership may be reinstated if; at any time the Paramedic Subscription Fee for that Member is paid.
- iii. In the event a Member moves to another address within the City of Newport Beach, the Member is required to notify the Newport Beach Fire Department via mail or by emailing firemedics@nbfd.net to provide their new City of Newport Beach address for service. Membership shall not carry over to the new City of Newport Beach address until the Newport Beach Fire Department receives notification of the new address by the Member in the manner described above.

Section 6: Normal Charges. The charges for rendering emergency medical services to Non-Members shall be as specified in the adopted Fee Schedule of the City of Newport Beach.

Section 7: Implementation. The City Manager shall have the authority to promulgate regulations necessary or appropriate to the administration of the Paramedic Subscription Program, the provision of services described in this Resolution, and the billing or collection of charges due for the provision of emergency medical services.

Section 8: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 9: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 11: This resolution shall take effect on January 1, 2020, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 10th day of December, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**



Aaron C. Harp
City Attorney