

**ORDINANCE NO. O-2007-19**

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER FEES FOR AMBULANCE SERVICES PROVIDED BY THE VILLAGE OF WINDHAM FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

**WHEREAS**, the Village of Windham has established fees for ambulance services provided by the Village of Windham Fire Department; and

**WHEREAS**, it has been determined that collection of the fees from Village of Windham residents and employees, to the extent that those fees are covered by insurance, is necessary in order to provide additional income to Windham Village Fire Department; and

**WHEREAS**, the Village of Windham finds it appropriate to waive ambulance service fees charged to residents and employees, to the extent that those fees are not paid by insurance coverage; and

**WHEREAS**, the Office of Inspector General determined in OIG Advisory Opinion No. 03-09 that the waiver of ambulance service fees for residents and employees of a municipality, to the extent that the fees are not paid by insurance coverage, is not a violation of the anti-kickback provisions of the Social Security Act; and

**WHEREAS**, The OIG Advisory Opinion is based on the premise that waiving fees in excess of insurance coverage for residents is proper because residents add additional support to municipal ambulance services through the payment of property taxes; and

**WHEREAS**, this matter is an emergency measure affecting the health, safety and general welfare of the residence of the Village of Windham;

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Garrettsville three-fourths or more of the members elected thereto concurring that:

**Section One:** That the Village of Windham hereby establishes the following fees for ambulance services provided by the Village of Windham Fire Department:

- |     |  |          |
|-----|--|----------|
| (1) | Basic Life Support                             | \$450.00 |
| (2) | Advanced Life Support                          | 550.00   |
| (3) | Advanced Life Support 2                        | 700.00   |
| (4) | Mileage rate of \$10.00 per mile for transport |          |

**Section Two:** All individuals who receive ambulance services from the Village of Windham Fire Department, or those financially responsible for those individuals, will be charged the fee set forth in Section One. Where appropriate, the charges shall be billed to the insurance carrier of the individual receiving services, or the individual who is financially responsible for the individual receiving services.

**Section Three:** Residents and employees of the Village of Windham are to be charged the ambulance fee but any balance due from residents and employees of the Village of Windham after payment by an insurance carrier, is hereby waived. Non-residents shall be responsible for the full amount of the charges.

**Section Four:** The Mayor and Village Fiscal Officer are hereby authorized and directed to enter into an agreement with a medical service billing company to assist the Village of Windham in the collection of the fees.

**Section Five:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**Section Six:** This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio and this Ordinance shall go into full force and effect immediately upon its passage by three-fourths of the members of Council.

Passed in Council this 18<sup>th</sup> day of December, 2007.

Vote of Council: Ayes: R. Barrett, R. Donham, M. Garrett, S. Garrett, J. Minotti, P. Snyder.  
Nays: None.

ATTEST:

APPROVED:

\_\_\_\_\_  
Village Fiscal Officer

\_\_\_\_\_  
Mayor

I hereby certify that this Ordinance was duly published by public posting at predesignated posting places.

\_\_\_\_\_  
Village Fiscal Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_