

**ORDINANCE CREATING THE  
JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**

WHEREAS by Ordinance dated September 7, 1995 the Jefferson County commission created the Jefferson County Emergency Ambulance Service Authority pursuant to Chapter Seven, Article Fifteen, Section One, *et. seq.* of the Code of West Virginia, as amended, which statute is also known as the "Emergency Ambulance Service Act of 1975;" and

WHEREAS, on March 27, 2008 the Commission adopted a technical correction amendment conforming the name of the agency to the Jefferson County Ambulance Authority (JCAA) to conform the name of the agency with common convention and usage; and

WHEREAS, this agency has operated successfully and continuously over the intervening years; and

WHEREAS, the Commission recognizes the need to augment the paid JCAA ambulance service with paid fire service to meet the current and future needs of the citizens of Jefferson County; and

WHEREAS, the West Virginia legislature has recognized those needs by adopting Senate Bill 224 during the 2008 legislative session authorizing the Commission to create a joint emergency services agency providing both ambulance and fire services;

NOW THEREFORE, be it enacted and ordained by the Jefferson County Commission as follows:

**Section 1. Creation of Jefferson County Emergency Services Agency; Dissolution of Jefferson County Ambulance Authority**

(a) Pursuant to S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the Jefferson County Emergency Services Agency (hereinafter referred to as the "the Agency"), a public corporation, is hereby created. The Agency shall be a joint emergency services agency to provide ambulance services, fire protection services, and emergency medical services in the incorporated and unincorporated areas of Jefferson County.

(b) The Jefferson County Ambulance Authority shall be considered dissolved and shall cease to exist and operate as of the date of creation of the Agency and the appointment of its board. Existing debt obligations and any property owned by the current Ambulance Authority shall be transferred to the Agency. All employees currently employed by the Ambulance Authority will become employees of the Agency and shall receive the same or comparable salary and benefits until such time as the Agency deems a modification in employee salary, benefits, or job classification is warranted.

## **Section 2. Powers**

- (a) The Agency shall possess all the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law or this ordinance.
- (b) To the extent a conflict exists between the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities and those conferred upon county fire associations and county fire boards, the Agency shall be deemed to possess the broader of the two powers.

## **Section 3. Joint Emergency Services Board.**

- (a) There is hereby created a Joint Emergency Services Board to oversee the management and control of the agency.
- (b) The Board of Directors of the Agency shall consist of eleven members appointed by the County Commission who are residents of Jefferson County constituted as follows:
  - (1) One member of the Jefferson County Commission;
  - (2) Five citizen members who are not currently employed with or affiliated with the Jefferson County Commission or with an emergency medical service, ambulance service, or fire protection service in Jefferson County;
  - (3) Two representatives of the emergency medical services community in Jefferson County;
  - (4) Two representatives of the fire protection services community in Jefferson County; and
  - (5) A representative appointed by the Jefferson County Fire and Rescue Association and approved by the County Commission.
  - (6) The medical director of the EMS program shall serve as a permanent ex-officio, non-voting member.
  - (7) No more than three of the members of the Board may be from the same magisterial district.
- (c) Initially, the County Commission will appoint the members which currently serve on the Jefferson County Ambulance Authority and whose terms have not yet expired to the Agency. Thereafter, Ambulance Authority members may either be reappointed or replaced as each member's current Ambulance Authority term expires. Accordingly, the members will serve staggered terms with three of the members' terms expiring in November 2009 and the remaining

three members' terms expiring in November 2010.-In addition to the six members serving on the Jefferson County Ambulance Authority, the Commission will appoint three additional members, two of which shall be representatives from the fire protection services community and one of which shall be a citizen member. Each of these initial appointees will serve a full term of three years.

(d) Successor board members shall serve three-year terms. In the event of a vacancy, a successor shall be appointed from same class of membership as their predecessor represented. Members shall continue to serve until their successors have been appointed.

(e) A majority of the voting members of the board constitutes a quorum

(f) Annually the Board shall elect one of its appointed members as chairman and another as vice chairman, and shall appoint a secretary and treasurer (or a secretary-treasurer).

#### **Section 4. Bylaws, Standards of Operation**

(a) The Bylaws for governance of the Agency and the Agency's Standards of Operation shall be submitted to, and approved by, the Jefferson County Commission.

(b) The County Commission shall retain continuing jurisdiction with respect to amendment and adoption of such Bylaws and Standards, and the Agency shall otherwise remain subject to the authority of the County Commission.

#### **Section 5. Borrowing money**

Any obligations by the Agency's board of directors to borrow money or to raise funds by the issuance and sale of revenue bonds shall require the approval of the County Commission. Any authority to obtain funds, other than by donation, foundation, or grants, shall require the approval of the County Commission.

#### **Section 6. Limitations**

The Agency shall in all respects remain subject to the jurisdiction and authority of the Jefferson County Commission.

#### **Section 7. Fiscal Year**

The fiscal year for the Agency shall commence on July 1.

#### **Section 8. Severability and Construction**

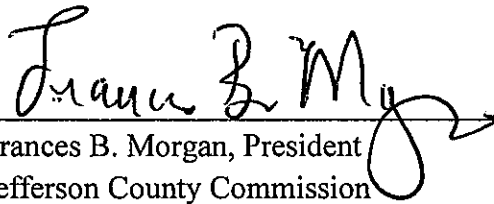
(a) The provisions of this ordinance shall be liberally construed to effectively carry on its purposes in the interest of promoting and protecting the public health, safety and welfare.

(b) If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such

holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

Given under my hand and seal this 13<sup>th</sup> day of November, 2008.

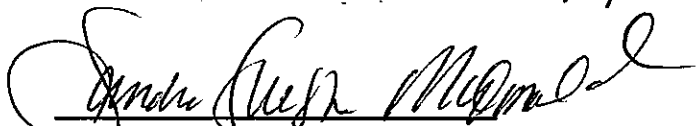
  
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Frances B. Morgan, President  
Jefferson County Commission

STATE OF WEST VIRGINIA  
COUNTY OF Jefferson



The foregoing instrument was acknowledged before me this 11/8/09 (date) by Frances B Morgan.

My commission expires: 6/1/2018.

  
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Notary Public

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JEFFERSON County 12:51:22 PM  
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