

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR No. 3043 ORDINANCE COUNCIL SERIES NO.

COUNCIL SPONSOR: MR. IMPASTATO PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. IMPASTATO SECONDED BY: MR. BURKHALTER

ON THE 3RD DAY OF MARCH, 2005.

ORDINANCE TO EXCLUDE THE AREA COMPRISING WARD 7 FROM AN AGREEMENT BETWEEN ST. TAMMANY PARISH GOVERNMENT AND ACADIAN AMBULANCE SERVICE, INC. FOR THE PROVISION OF EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICES WITHIN THE SERVICE AREA OF ST. TAMMANY PARISH.

WHEREAS, on December 02, 2004, the Parish Council authorized the execution of an agreement between St. Tammany Parish Government and Acadian Ambulance Service, Inc., for the provision of ambulance services within St. Tammany Parish except within Ward 4; and

WHEREAS, it is now the desire of the Parish Council to also exclude all of Ward 7 from said Agreement as it pertains to the provision of emergency medical service; and

WHEREAS, said exclusion of Ward 7 from the Agreement has been agreed to by Acadian Ambulance Service, Inc. pursuant to its execution of a Waiver of Fire District 3, Ward 7 Service Area Exclusion dated December 01, 2004, and subject to its receiving written notice from Fire Protection District No. 3 of its readiness to assume responsibility for providing emergency medical service in the area comprising Ward 7; and

WHEREAS, St. Tammany Parish Government has received written notice from Fire Protection District No. 3 of its readiness to assume emergency medical service in Ward 7.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it excludes the area comprising Ward 7 from the Agreement between St. Tammany Parish Government and Acadian Ambulance Service, Inc. for the provision of emergency medical service within the service area of St. Tammany Parish.

BE IT FURTHER ORDAINED that the effective date of said exclusion of Ward 7 from the Agreement and the date upon which Fire Protection District No. 3 shall assume exclusive responsibility for emergency medical response within all of the area comprising Ward 7 shall be the specific date to be determined by the board of St. Tammany Parish Communications District No. 1 (911 Board). Written notice of the determined date shall be provided by Communications District No. 1 to St. Tammany Parish Government, Acadian Ambulance Service, Inc. and Fire Protection District No. 3.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WAIVER OF FIRE DISTRICT 3, WARD 7, SERVICE AREA EXCLUSION

UNITED STATES OF AMERICA

*

PARISH OF ST. TAMMANY

STATE OF LOUISIANA

*

DECEMBER 1, 2004

* * * * *

BEFORE ME, the undersigned notary public, and in the presence of the undersigned competent witnesses, personally came and appeared **ACADIAN AMBULANCE SERVICE, INC.**, through **DAVID L. KELLY, EXECUTIVE VICE PRESIDENT** and **CHIEF FINANCIAL OFFICER**, who after first being duly sworn, deposed and stated that:

He has been expressly authorized by the attached resolution of the Board of Directors of Acadian Ambulance Service, Inc. (hereinafter sometimes referred to as "Acadian") to represent "Acadian" in this matter and to execute this document; "Acadian" has entered into an agreement by and between Acadian Ambulance Service, Inc. and the St. Tammany Parish Government for the exclusive provision of emergency and non-emergency ambulance service in the defined "Service Areas" with the exception of that portion of St. Tammany Parish which comprises Ward 4; said agreement to be adopted by the St. Tammany Parish Council at its regular meeting on December 2, 2004, and becomes effective on January 1, 2005; at the time of entering into said agreement, "Acadian" was aware that Fire District 3, which comprises the area of Ward 7, has been providing limited ambulance services in Ward 7 and was intending to provide emergency ambulance service in the area comprising Ward 7, as provided for in La. R.S. 40:1501, R.S. 33:9053 and any other applicable provision of law; at the time of entering into said agreement, "Acadian" was also aware that Fire District 3 was not ready to immediately assume responsibility for providing emergency ambulance service in the area comprising Ward 7; "Acadian" agrees that at such time as it, and St. Tammany Parish Government, is notified by Fire District 3, in writing, that it is ready to assume responsibility for providing emergency ambulance service in the area comprising Ward 7, that portion of St. Tammany Parish which comprises Ward 7 shall also become excluded from the "Service areas" set forth in the agreement between "Acadian" and St. Tammany Parish Government, provided that the St. Tammany Parish Council passes a resolution concurring in the exclusion of Ward 7 from said agreement; "Acadian" expressly agrees that in the event that the St. Tammany Parish Council passes a resolution concurring in the exclusion of Ward 7 from the "Service Areas" set forth in

the agreement, said action shall not constitute a breach of the agreement; and "Acadian" acknowledges that, in any event, whether the Council passes a concurring resolution or not, Fire District 3 is authorized by state statute(s) to provide emergency medical services, as set forth therein, and the provision of same by Fire District 3 shall not constitute a breach of "Acadian's" agreement with St. Tammany Parish Government.

Witnesses:

ACADIAN AMBULANCE SERVICE, INC.

Carne Laffeur
David L. Kelly

David L. Kelly
David L. Kelly, Executive Vice President
and Chief Financial Officer

SWORN TO AND SUBSCRIBED BEFORE ME, Notary Public, and in the presence of the above competent witnesses, on this the 1st day of December 2004.

Debra Ardoin
Debra Ardoin, Notary Public
13044

**EXTRACT OF MINUTES
OF
MEETING OF THE BOARD OF DIRECTORS
OF
Acadian Ambulance Service, Inc.**

At a meeting of the Board of Directors of Acadian Ambulance Service, Inc. on November 30, 2004, the following Resolution was introduced, seconded, and adopted:

BE IT RESOLVED that David L. Kelly is hereby authorized, empowered, and directed to deal generally and in all respects without restrictions, in, to and with the St. Tammany Parish Government regarding the contract for ambulance transportation service for St. Tammany Parish; and

BE IT FURTHER RESOLVED that David L. Kelly is hereby authorized, empowered and directed to execute, on behalf of the Company, the Waiver of Fire District 3, Ward 7, Service Area Exclusion, a draft of which is attached and made a part of these minutes.

CERTIFICATION

I, David L. Kelly, Secretary of Acadian Ambulance Service, Inc. do hereby certify that the above and foregoing is a true and correct extract of the Minutes of the Board of Directors of said corporation with all Directors being present, or represented by proxy, held on the 30th day of November, 2004 at the office of the corporation, and that said Resolution is still in full force and effect.

This 1st day of December, 2004.

David L. Kelly
David L. Kelly, Secretary