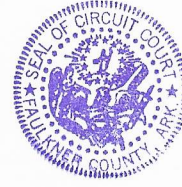


4



**City of Conway, Arkansas  
Ordinance No. O-22-25**



**CERTIFICATE OF RECORD  
FAULKNER CO, AR FEE \$30.00**

I hereby certify that this instrument was  
Filed and Recorded in the Official Records  
In Doc Num **L202205279** 4 Pages

RECORDED: 03-23-2022 12:07:19 PM

CRYSTAL TAYLOR  
FAULKNER COUNTY CIRCUIT CLERK  
BY: DIANA VARNER, D.C.

**ORDINANCE**

**AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE TO PAFFORD MEDICAL SERVICES TO PROVIDE ADVANCED LIFE SUPPORT (ALS) AND BASIC LIFE SUPPORT (BLS) AMBULANCE SERVICE ON A FEE FOR SERVICE BASIS IN THE CITY OF CONWAY; AND APPROPRIATING FUNDS; REPEALING ANY OTHER ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Conway is authorized, pursuant to A.C.A. § 14-43-601 and the Arkansas Ambulance Licensing Act, A.C.A. § 14-266-101 et seq. (the "Act"), to enact and establish standards, rules, or regulations concerning emergency medical services, emergency medical technicians, ambulances, and ambulance companies; and

**WHEREAS**, the City of Conway is authorized pursuant to A.C.A. § 14-266-102 to contract exclusively or otherwise, using competitive procurement methods, for the provision of emergency medical services and ambulance services for the city and to provide continuing supervision of those services; and

**WHEREAS**, A.C.A. § 14-266-102 grants cities of the first class broad authority regarding emergency and nonemergency medical services; and

**WHEREAS**, on January 19, 2004, the City Council passed Resolution R-04-02, granting Metropolitan Emergency Medical Services ("MEMS") an exclusive franchise to provide advanced life support (ALS) ambulance service on a fee for service basis in the City of Conway; and

**WHEREAS**, On February 5, 2004, the City of Conway entered into an Interlocal Agreement, pursuant to Ark. Code Ann. § 25-20-102 *et seq*, with the City of Little Rock, to extend the operation of MEMS under an exclusive franchise arrangement to the residents of Conway. This Agreement required the City of Conway to grant to the Little Rock Ambulance Authority, by ordinance, an exclusive franchise to provide all emergency and non-emergency ambulance service to the citizens of Conway; and

**WHEREAS**, the Interlocal Agreement was for a period of five (5) years subject to the right of Little Rock and Conway to modify, renew or extend the term by mutual agreement; and

**WHEREAS**, on November 25, 2008, the Conway City Council passed Resolution R-08-45, authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway beginning February 5, 2009 and granting a subsidy to MEMS in the amount of \$91,109.00 to defray the cost of MEMS delivery of ambulance service in the City; and

**WHEREAS**, on January 28, 2014, the Conway City Council passed Ordinance No O-14-14, authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway beginning February 5, 2014 and granting a subsidy to MEMS in the amount of \$109,438.00 to defray the cost of MEMS delivery of ambulance service in the City; and

**WHEREAS**, on October 11, 2016, the Conway City Council passed Resolution R-16-44 authorizing the Mayor to enter into a five (5) year extension of the Interlocal Agreement with the City of Little Rock, granting an exclusive franchise to MEMS to provide ambulance services (emergency and non-emergency) to the City of Conway and granting a subsidy to MEMS in the approximate amount of \$0 for the calendar year 2017; and

**WHEREAS**, Conway formed a task force to carry out the Act's call for periodic competition among companies for the right to provide ambulance services, by evaluating other providers capable of adequate providing services to Conway; and

**WHEREAS**, a hearing was set for a potential competitor, Pafford Medical Services, to make a presentation to the City Council along with MEMS on February 1, 2022; and

**WHEREAS**, on February 1, 2022, MEMS, has notified the City of Conway that it would not make a presentation and did not wish to continue its exclusive franchise with the City of Conway; and

**WHEREAS**, on February 1, 2022, to ensure no disruption of emergency medical services to the citizens of Conway, the City Council for the City of Conway, after the presentation by Pafford Medical Services, authorized the Mayor to negotiate an exclusive franchise agreement with Pafford Medical Services to provide an advanced life support (ALS) and basic life support (BLS) ambulance service on a fee for service basis in the City of Conway.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**Section 1.** The City Council hereby selects Pafford Medical Services as the exclusive franchisee for providing emergency and non-emergency ambulance service on a fee for service basis in the City of Conway for a term of five (5) years.

**Section 2.** The City Council hereby authorizes and instructs the Mayor to execute all documents and agreements necessary to implement the terms of this exclusive franchise.

**Section 3.** The City of Conway determines that the health, safety and welfare of the citizens of Conway demand that the ambulance services provided for herein begin on March 1, 2022, and given the initial startup costs of such rapid extension of services including equipment and staffing, a temporary subsidy is necessary. Therefore, the City of Conway will pay a subsidy to Pafford Medical Services, in an amount of \$90,000.00. Said subsidy shall be made in equal installments of \$30,000.00 with the first payment being payable on March 1, 2022 and then on the first business day of April, 2022, and the final payment to be made on the first business day of May, 2022, to defray the cost of Pafford's delivery of ambulance service in the City. At the conclusion of the subsidy period set forth herein, the Mayor shall review the subsidy payments, and any amounts not expended in response to the rapid start of the ambulance service and

increased costs associated with staffing during the first 90 days shall be refunded to the City of Conway within ninety (90) days of such determination by the Mayor.

**Section 4.** The City of Conway shall appropriate funds in the amount of \$90,0000 from the General Fund Balance Appropriation Account (001.119.4900) to the Conway Fire Department Other Purchased Services (001.131.5399) for the subsidy to Pafford Medical Services.

**Section 5.** For purposes of this ordinance, the term "ambulance services" shall include the transportation and care provided the critically ill or injured prior to arrival at a medical facility and within a medical facility subject to the individual approval of the medical staff and governing board of that facility, and further the transport to or from medical facilities including but not limited to hospitals, nursing homes, physician's offices, and other health care facilities, of persons who are infirm or injured and who are transported in a reclining position or who are ill but considered to be non-emergency in status and who request ambulance transportation.


**Section 6.** That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

**Section 7.** In the event any portion of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.


**Section 8.** That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

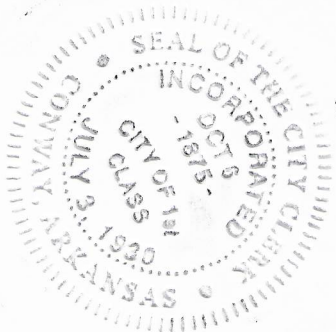
**PASSED** this 28<sup>th</sup> day of February, 2022.

**Approved:**

  
Mayor Bart Castleberry

**Attest:**

  
Michael O. Garrett  
City Clerk/Treasurer



**CERTIFICATE**

**STATE OF ARKANSAS  
COUNTY OF FAULKNER  
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 28<sup>th</sup> day of February, 2022 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 3<sup>rd</sup> day of March, 2022.

  
**CITY CLERK-TREASURER**

