

ORDINANCE NO. 2021-01

AN ORDINANCE PROVIDING FOR A TEMPORARY, LIMITED MORATORIUM ON THE IMPLEMENTATION OF THE AMBULANCE SUBSCRIPTION FEE ORDINANCE, ENACTED BY THE GOVERNING BODY OF THE CITY OF BLACKWELL, OKLAHOMA, ON THE 19TH DAY OF NOVEMBER 2020, AS ORDINANCE NO. 2020-21; PROVIDING FOR THE PURPOSES OF THIS TEMPORARY LIMITED MORATORIUM; PROVIDING FOR THE CONDITIONS NECESSARY TO OCCUR FOR THE MORATORIUM TO END; CITY MANAGER IS DIRECTED TO IMPLEMENT THE TERMS OF THIS MORATORIUM; PROVIDING FOR REPEALER; SAVINGS CLAUSE; SEVERABILITY; CODIFICATION; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACKWELL:

Section I. TEMPORARY, LIMITED MORATORIUM DECLARED. A temporary, limited moratorium adopted by Ordinance No. 2021-___ (hereinafter “moratorium”) is hereby declared on the implementation of the Ambulance Subscription Fee Ordinance approved on the 19th day of November 2020 as Ordinance No. 2020-21 (hereinafter “Ordinance No. 2020-21”), which moratorium is made retroactively effective to December 31, 2020 at Midnight. No ambulance subscription fees shall be charged, or fees collected during the moratorium and the implementation of the ambulance subscription service program and Ordinance No. 2020-21 shall be held in abeyance during the moratorium until further action of the City Council of the City of Blackwell, Oklahoma. Notice of this moratorium shall be provided in the next utility billing sent by the City and written notice shall be provided to all persons who signed up for ambulance subscription service. During the moratorium period, which shall not extend beyond June 30, 2021, the City Council shall: 1) set and hold at least one public hearing to receive comments and concerns about the Ambulance Subscription Ordinance from the public; 2) receive additional information concerning current ambulance fees, the procedures for their collection, and alternatives other than the Ambulance Subscription Ordinance; and 3) receive input from Blackwell’s third-party vendor collecting ambulance revenues.

Section II. PURPOSE FOR THE MORATORIUM. The purposes of this moratorium are: 1) to determine whether the needs of the public, attempted to be addressed by the Ordinance No. 2020-21 as it is currently constituted, are in fact addressed, with the lowest impact on those persons who can least afford another monthly, recurring payment; and 2) to explore options, other than as provided by Ordinance No. 2020-21 as it is currently constituted, of meeting the financial short and long-term needs of the Emergency Medical Division of the Blackwell Fire Department. One such option, among many options, is to review the options of receiving funding from the additional one percent (1.00%) excise tax (sales tax) assessed and collected to promote medical health in the City Blackwell voters, originally approved as Ordinance No. 2016-2825 on June 28, 2016 and extended by the Blackwell voters as Ordinance No. 2019-01 on April 2, 2019.

Section III. CONDITIONS NECESSARY TO OCCUR FOR THE MORATORIUM TO END. The moratorium shall continue until the earlier of the following: 1) The repeal of this moratorium and in such event, the moratorium shall be null and void and Ordinance No. 2020-21 shall be implemented under its terms; 2) the repeal of Ordinance No. 2020-21; 3) the approval of any amendment to Ordinance No. 2020-21; or 4) June 30, 2021, with no action having been taken on this moratorium or Ordinance No. 2020-21, and in such event, the moratorium shall be null and void and Ordinance No. 2020-21 shall be implemented under its terms.

Section IV. CITY MANAGER IS DIRECTED TO IMPLEMENT THE TERMS OF THIS MORATORIUM. The City Manager is hereby directed to perform the necessary work to explore options, set hearings and make recommendations to fulfill the terms and conditions of this moratorium, including Section II, with such options not to include a monthly assessment on the utility bills.

Section V. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section VI. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section VII. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Mayor and City Council of the City of Blackwell that this section of the Blackwell Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section VIII. CODIFICATION. This ordinance shall not be codified as a part of the Blackwell Municipal Code 2020.

Section IX. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this temporary, limited moratorium be put into full force and effect, for the reason set out in Section II hereinabove, which is incorporated by reference herein; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

PASSED AND APPROVED by the Mayor and City Council on the 7th day of January 2021.



THE CITY OF BLACKWELL, OKLAHOMA

Stephen Marquardt
Stephen Marquardt, Mayor

Approved as to Content:

Janet Smith
Janet Smith, City Manager

(Seal) *Traci Hanebrink*
ATTEST:

Traci Hanebrink
Traci Hanebrink, City Clerk

Approved as to Form and Legality:

Bryce S. Kennedy, Jr., City Attorney