ITEM NO. 24

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ESTABLISHING A PROGRAM FOR RECOVERY OF FEES FOR EMERGENCY SERVICES

WHEREAS, the City of Oceanside operates a first-class Fire Department, which provides timely and efficient emergency services to Oceanside's residents and visitors; and

WHEREAS, the Fire Department responds to a high volume of calls for service, including calls at the sites of motor vehicle accidents, structure fires, hazardous materials spills, and other incidents; and

WHEREAS, the emergency services response activity to incidents continues to increase each year, and environmental protection requirements and Homeland Security regulations involving equipment and training create additional demands on all operational aspects of Fire Department services; and

WHEREAS, the Fire Department and the City in general are operating under significant budgetary limitations as a result of California's ongoing public fiscal crisis; and

WHEREAS, the Oceanside Fire Department has investigated different methods to maintain high-quality emergency service capability throughout times of constantly increasing service demands; and

WHEREAS, operation of a first-class Fire Department, with modern equipment and sufficient numbers of trained professional personnel, is essential for the protection of the health, safety and welfare of Oceanside's residents and visitors; and

WHEREAS, the City Council has determined that recovery of certain costs incurred in responding to calls for Fire Department services is essential for the continued operation of the Fire Department as a modern, professional and first-class public safety operation, which ultimately reduces the costs incurred by motorists, property owners, members of the general public, and their insurers, by minimizing personal injury and property damage through fast and capable responses to accident, fire, spill and other incidents; and

WHEREAS, in recognition of the foregoing, the City Council wishes to provide for the establishment of mitigation fees to be charged to non-resident persons responsible for motor vehicle accidents and other incidents requiring a response by Oceanside Fire Department personnel, not to exceed the City's actual costs of providing such responses.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. The City of Oceanside may impose and collect mitigation fees for services provided by the Oceanside Fire Department in responding to the scene of motor vehicle accidents and other emergency incidents, as listed in Exhibit A, attached hereto. The rate of said mitigation fees shall be based on usual, customary and reasonable costs of the services provided. The fees shall not exceed the City's actual costs of providing the services for which the fees are imposed. The fee schedule attached as Exhibit A shall be reviewed annually and may be adjusted by resolution of the Oceanside City Council, as appropriate, to reflect current actual costs.

SECTION 2. Applicable mitigation fees shall be recoverable from the responsible party, representing an add-on cost of the claim for injuries and/or damage to vehicles and property. The claim costs shall be billed to the insurance carrier or carriers providing insurance coverage for the incident. The City may contract with a third-party service provider for the billing and/or collection of such fees. All revenue collected from such fees shall be placed in the City's General Fund and may be used for any lawful purpose.

SECTION 3. The mitigation fees authorized by this Ordinance shall be collected only from persons not residing within the City of Oceanside and from their insurers.

SECTION 4. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 5. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 6. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2010 and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ____ day of _____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____, ASST.
CITY ATTORNEY

EXHIBIT A

MITIGATION FEES
BASED ON PER HOUR

MOTOR VEHICLE INCIDENTS

Level 1 - $435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time a fire department responds to an accident/incident.

Level 2 - $495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 – CAR FIRE - $605.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 4 - $1,800.00

Includes Level 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing etc.). We will bill at this level if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Level 5 - $2,200.00

Includes Levels 1, 2, & 4 services as well as Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter is utilized to transport the patient(s).

Level 6

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates

deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

HAZMAT

Level 1 - $700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - $2,500.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 – $5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal fees of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ $300.00 per HAZMAT team**.

PIPELINE INCIDENTS / POWER LINE INCIDENTS

(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)

Level 1 - $400.00

Basic Response: Claim will include engine response and first responder assignment, perimeter establishment, evacuations, first responder set-up and command. Includes inspection without damage or breakage.

Level 2 - $1,000.00

Intermediate Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B

suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair.

Level 3 – Itemized Claim Charges

Advanced Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair of intermediate to major pipeline damage. May include set-up and removal of decon center, detection, recovery and identification of material. Disposal and environment clean up.

FIRE INVESTIGATION

Fire Investigation Team - $275.00 per hour.

Includes:

- Scene Safety
- Investigation
- Source Identification
- K-9/Arson Dog Unit
- Identification Equipment
- Mobile Detection Unit
- Fire Report

The claim begins when the Fire Investigator responds to the incident and is billed for logged time only.

FIRES

Assignment - $400.00 per hour, per engine / $500.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common "billing level". This occurs almost every time a fire department responds to an incident.

OPTIONAL: A fire department has the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time a Fire Department responds to a water incident.

Billed at $400 plus $50 per hour, per rescue person.

Level 2

Intermediate Response: includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at $800 plus $50 per hour, per rescue person.

Level 3

Advanced Response: includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal fees of material and contaminated equipment and material used at scene.

Billed at $2,000 plus $50 per hour per rescue person, plus $100 per hour per HAZMAT team member.

Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary, and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed $400 for the first response vehicle plus $50 per rescue person. Additional rates of $400 per hour per response vehicle and $50 per hour per rescue person.

CHIEF RESPONSE

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at $250 per hour.

MISCELLANEOUS

Engine billed at $400 per hour.
Truck billed at $500 per hour.
Miscellaneous equipment billed at $300.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.