

**ORDINANCE NO. 2020-12**

**AN ORDINANCE OF THE STANISLAUS CONSOLIDATED FIRE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT.**

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the Stanislaus Consolidated Fire Protection District (the "District") has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, the Board of Directors of the District desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines, based on an analysis of the cost of providing the services described therein, which analysis is available for review at the offices of the District;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT AS FOLLOWS:

**SECTION 1. ADOPTION OF MITIGATION RATES.**

The District shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in Exhibit A. The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in Exhibit A, which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

**SECTION 2. INSURANCE.**

A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

**SECTION 3. OTHER ACTIONS.**

The District's Board of Directors may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

#### SECTION 4. COMPLIANCE WITH APPLICABLE LAW.

It is found and determined that all formal actions of this District Board of Directors concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Board of Directors, and that all deliberations of this Board of Directors and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Board of Directors.

#### SECTION 5. ANNUAL INCREASE.

The Mitigation Rates lists in Exhibit A will increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the July 1 of each year, commencing July 1, 2020, and shall be measured as of the preceding March.

#### SECTION 6. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining provisions of this Ordinance. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this Ordinance regardless of the unconstitutionality or invalidity of any other section, subsection, subdivision, paragraph, sentence, clause, phrase or word herein.

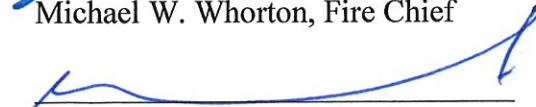
#### SECTION 7. EFFECTIVE DATE AND PUBLICATION OF ORDINANCE SUMMARY.

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The Board Secretary of the District shall cause a summary of the Ordinance to be posted in accordance with Section 25124 of the Government Code of the State of California.

Passed: YES 5/0

  
Michael W. Whorton, Fire Chief

Approved: YES 5/0


  
Gregory M. Bernardi, Board President

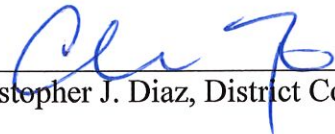
VOTE ON PASSAGE:

Yea: Directors: Bernardi, Goulding, Homme, Rivers, Stanfield

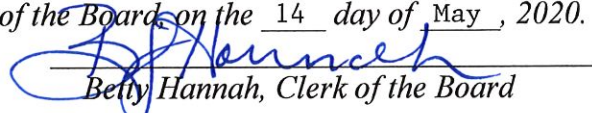
Nay: None

Abstain: None

Attest:   
Betty Hannah, Clerk of the Board

  
Christopher J. Diaz, District Counsel

*I, Betty Hannah, Clerk of the Board, do hereby certify that the foregoing Ordinance No. 2020-12 was upon voted and approved by a majority vote of the Board on the 14 day of May, 2020.*

  
Betty Hannah, Clerk of the Board

## **EXHIBIT A**

### **MITIGATION RATES BASED ON PER HOUR**

The mitigation rates below 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 rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department’s actual burdened labor costs and not just a firefighter's wage. These include wages, retirement, benefits, workers comp, etc.

#### **MOTOR VEHICLE INCIDENTS**

##### **Level 1 - \$494.00**

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

##### **Level 2 - \$562.00**

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 - \$687.00**

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.

#### **ADD-ON SERVICES:**

##### **Extrication - \$1,483.00**

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added 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.

##### **Creating a Landing Zone - \$454.00**

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

**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.

#### **ADDITIONAL TIME ON-SCENE**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.

#### **HAZMAT**

##### **Level 1 - \$796.00**

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

##### **Level 2 - \$2,842.00**

**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 – \$6,707.00**

**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 rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$336.00 per HAZMAT team.**

#### **ADDITIONAL TIME ON-SCENE (for all levels of service)**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.

#### **FIRES**

**Assignment - \$455.00 per hour, per engine / \$568.00 per hour, per truck**

#### **Includes:**

- Scene Safety
- Investigation

- Fire / Hazard Control

This will be the most common “billing level”. This occurs almost every time the 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.**

### **ILLEGAL FIRES**

**Assignment - \$455.00 per hour, per engine / \$568.00 per hour, per truck**

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

### **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 the fire department responds to a water incident.

**Billed at \$455 plus \$57 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 \$909 plus \$57 per hour, per rescue person.**

#### **Level 3**

**Advanced Response:** Includes Level 1 and Level 2 services as well as D.A.R.T. (Drowning Accident Rescue Team) 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 rates of material and contaminated equipment and material used at scene.

**Billed at \$2,274 plus \$57 per hour per rescue person, plus \$114 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 \$455 for the first response vehicle plus \$57 per rescue person. Additional rates of \$455 per hour per response vehicle and \$57 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 \$284 per hour.**

#### **MISCELLANEOUS / ADDITIONAL TIME ON-SCENE**

Engine billed at \$455 per hour.

Truck billed at \$568 per hour.

Miscellaneous equipment billed at \$341.