



ORDINANCE NO. 2018-001

REPEALING AND REPLACING ORDINANCE NO. 101-2010; REPEALING AND REPLACING ORDINANCE NO. 2014-101; ADOPTING FEES FOR SERVICES PROVIDED TO NON-RESIDENTS; AUTHORIZING A THIRD-PARTY BILLING AGENCY; AUTHORIZING THE DISTRICT TO AMEND THE RATE AND FEE SCHEDULE BY RESOLUTION.

WHEREAS, the Jefferson Rural Fire Protection District (the District) Board of Directors (the Board) previously adopted Ordinance No. 101-2010 establishing fees for services provided by the District to non-residents of the District; and

WHEREAS, the Board now wishes to repeal and replace Ordinance No. 101-2010 by adopting this Ordinance with the goal of amending existing fees, adopting new fees to recover the District's actual costs for services provided, and clarifying the process for future amendment of such fees; and

WHEREAS, the Board previously adopted Ordinance No. 2014-101 establishing fees for ambulance services; and

WHEREAS, the Board now wishes to repeal and replace Ordinance No. 2014-101 for the purposes of consolidating the District's rates and fees into one ordinance to allow for a more efficient revision process in the future; and

WHEREAS, ORS 478.260(3) authorizes the District to operate emergency medical service equipment and vehicles both within and outside the boundaries of the District; and

WHEREAS, ORS 478.410(4) authorizes the District to create fees for any services provided by the District through the adoption of an ordinance; and

WHEREAS, ORS 478.310 authorizes the District to recover its reasonable, actual expenses for responses in unprotected areas outside of the District, including the contract or reasonable value of use, including repairs and depreciation of equipment and other expenses reasonably incurred in furnishing the firefighting or public safety service; and

WHEREAS, the Board has reviewed the fees proposed in this ordinance and has determined that these fees are reasonable and appropriate, do not exceed the documented costs to the District for providing these services, and will not generate revenue for the District; and

WHEREAS, the fees and charges imposed by this ordinance are not taxes subject to property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

1. **ADOPTION OF RATE SCHEDULE.** The Board of the District hereby adopts the rates set forth in the Rate and Fee Schedule attached as Exhibit A and incorporated into this ordinance by reference. The Board directs that the rates and fees be imposed to recover the reasonable estimated actual cost to the District to provide the service.
2. **NON-RESIDENT FEES.** Unless otherwise noted, the cost-based fees attached as Exhibit A apply to all District responses, within or outside the District boundaries, involving non-residents of the District. A person is a non-resident if, on the date services are rendered, s/he resides at an address that is located outside of the boundaries. These responses will be billed on a per hour basis using dispatch time records to determine the commitment of apparatus and personnel, as well as rates in Exhibit A. Miscellaneous supplies and services will be invoiced based upon the District's computer records and the rates provided in Exhibit A.
3. **FEES FOR OTHER SERVICES PROVIDED.** In addition to fire protection and emergency medical services, the District provides a number of other services. These services include:
 - A. Incidents on transportation routes.
 - B. Incidents on private property.
 - C. Power lines down standby.
 - D. Gas leak created by commercial operation (construction, etc)
 - E. Railroad incidents (caused by Railroad Operation)
 - F. Public event standby (not including Ambulance Response)
 - G. Hazardous materials response and standby.
 - H. Technical rescues, i.e. water rescue team.

The District will apply the cost-based rates and fees attached in Exhibit A of this Ordinance when the District provides these other services. Cost-based rates and fees for these other services will apply to any incident that the District responds to and that involves District apparatus or personnel.

4. **AMBULANCE RATES.** The Ambulance Rates contained in Exhibit A apply depending on the particular facts and services required by the incident. Ambulance Rates apply to District residents and non-residents. These rates are calculated to recover the District's actual costs in providing ambulance services.
5. **REVIEW AND AMENDMENT.** The Fire Chief will present the Rate and Fee Schedule to the Board for review at least once every two years or more frequently as determined in the Fire Chief's sole discretion. The fees in Exhibit A may be amended from time to time by Board resolutions at a duly noticed and public Board meeting. Prior to adoption of the resolution, the Board will hold a public hearing on the resolution.
6. **COST RECOVERY AND MUTUAL AID AGREEMENTS.** The District will adhere to cost recovery provisions contained in any mutual aid agreements entered into by the District.

7. RULES. The Board hereby authorizes the Fire Chief to interpret and apply this Ordinance and to develop administrative rules to apply this Ordinance equitably. Such administrative rules must be consistent with this Ordinance and with applicable Board policy.
8. COLLECTION. The District contracts with a billing and collection service provider to carry out all billing and collection activity required by the District. Fees will be invoiced within a reasonable amount of days after the date services are rendered. Payment is due upon receipt of the invoice. If payment or reasonable payment arrangements are not made, the invoice will be turned over to a collections agency chosen by the District. Costs of collection will be charged to the persons responsible. Collection costs may include penalty fees or interest payments on the amounts due and owing as determined by the District.
9. APPEALS. To file an appeal of a fee assessed under this ordinance, the appellant must provide a written statement to the Chief. The statement must clearly explain the basis of the appeal and state why the appellant thinks the fee was improper. A response and decision will be made as soon as practical after receipt of the appeal. Decisions are final and not appealable to the Board.
10. EFFECTIVE DATE. This ordinance will take effect on the 30th day after it is adopted.

Adopted by vote of the Jefferson Rural Fire Protection District Board of Directors this 21 day of March, 2018.

Ayes: 3
Nays: _____

[Signature]
Chairperson
Beryl McKee
Vice-Chairperson
Fenee Gonzalez
Secretary

Board Member

Board Member

Exhibit A

Rate and Fee Schedule

Rates and fees for services shall be limited to cost recovery. Methods of calculating the cost of services will be identified and generally based upon the average cost or specific cost of providing the service. Cost calculations will include direct costs (apparatus, personnel, and any miscellaneous supplies and services) and indirect costs (administrative costs and overhead). Cost recovery calculation methodology for specific responses will be provided upon request.

- A. The minimum charge for the District’s response to an incident will be one hour. After the first hour, charges will be prorated to the closest hour. These charges will apply to all incidents involving non-residents of the District and to non-emergency incidents involving District residents. Ambulance rates will be charged per incident as provided below.

- B. The District shall use the standard equipment rates from the State Fire Marshal’s Oregon Fire Service Mobilization Plan. Rates for use of equipment not covered under the State Fire Marshal’s Oregon Fire Service Mobilization Plan include:

- a. Boat\$40.00 per hour
- b. Readiness Fee\$

C. Staffing cost shall be:

- a. Volunteer firefighters.....\$15.00 per hour
- b. Fire Chief.....\$85.00 per hour
- c. Assistant Chief.....\$75.00 per hour
- d. Division Chief.....\$50.00 per hour
- e. Administrative Assistant.....\$50.00 per hour
- f. Logistics/EMS\$50.00 per hour

D. Ambulance Rates:

- a. Advanced Life Support 2\$1,450.00
- b. Advanced Life Support\$1,450.00
- c. Advanced Life Support Non-transport\$500.00
- d. Basic Life Support1,100.00
- e. Mileage Charge (per patient loaded mile)\$20.00
- f. Extra Attendant \$ 100.00

E. Administrative Costs: Copies of paperwork shall be charged to District residents and non-District residents as follows:

- a. Additional copies of paperwork \$5.00 per sheet

- F. In addition to any of the above, the District will surcharge all other costs or charges the District receives from any other governmental unit, and those will be passed on directly to the responsible person.
- G. All disposable supplies will be charged at replacement-cost.
- H. Processing cost is the amount added by the billing company and is in addition to the rates and fees listed above.