

ORDINANCE NO. 2019-022

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY SERVICES BY CITY OF WATAUGA FIRE DEPARTMENT; AMENDING THE FEE SCHEDULE OF CHAPTER 12 OF THE CODE OF ORDINANCES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

- WHEREAS, the Watauga Fire Department provides fire protection and emergency services to the citizens of Watauga, its extraterritorial jurisdiction and those surrounding areas in which it has an interlocal agreement; and
- WHEREAS, the City Council of the City of Watauga, Texas has determined that it is in the best interests of the citizens of Watauga and the surrounding areas that the Watauga Fire Department recoup its costs associated with providing fire protection and other emergency services; and
- WHEREAS, the emergency services response activity to incidents continues to increase annually, and environmental protection, homeland security, and emergency services licensing regulations involving equipment and training create additional demands on all operations aspects of the Watauga Fire Department's services; and
- WHEREAS, the Watauga Fire Department has investigated different methods to maintain a high level quality of emergency service capability throughout constantly increasing service demands, while maintaining an effective emergency response by the [fire department] decreases the costs of incidents to insurance carriers through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and
- WHEREAS, raising real property tax to meet the increase in emergency service demands would not be fair to the property owners when a substantial number of motor vehicle incidents and other emergency services involve individuals not owning property or paying taxes in the Watauga Fire Department's service area; and the ability of the Fire Department to effectively respond decreases the liability of insurance companies by saving lives and minimizing property and environmental damage; and
- WHEREAS, the City Council desires to implement a fair and equitable procedure to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations, and guidelines.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas as follows:

I.

The foregoing facts and recitations are hereby found to be true and correct and adopted herein for all purposes.

II.

The City of Watauga shall initiate mitigation rates for the delivery of emergency services by the fire department for personnel, supplies, services, and equipment to the scene of motor vehicle and other emergency incidents as provided by the amendment to the Chapter 12 Fee Schedule below and further illustrated in Exhibit A. The mitigation rates are based on the actual cost of the services and that which is usual, customary, and reasonable (UCR) as illustrated in Exhibit A.

III.

The mitigation rates shall be filed to the responsible party(s) through their insurance carrier, representing an add-on cost of the claim for damages of the vehicles, property, and/or injuries. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible parties. In some circumstances, the responsible party will be billed directly.

IV.

The City of Watauga Code of Ordinances is hereby amended by adding new Section 12-14 to Chapter 12 to provide as follows:

“Chapter 12 - FEE SCHEDULE

. . . .

Sec. 12-14. - Fire Department Mitigation Rates

The fees set forth in this section shall be charged on a per hour basis. When a claim is submitted, it will be itemized and based on the actual services provided.

(a) *Motor Vehicle Accidents.*

(1) *Level 1* - \$487.00.

(2) *Level 2* - \$554.00.

(3) *Level 3* - \$677.00.

(4) *Add-On Services.*

i. *Extrication* - \$1,461.00.

ii. *Creating a Landing Zone* - \$448.00.

(5) *Additional Time On-Scene.*

i. *Engine* - \$448.00.

ii. *Truck* - \$560.00.

iii. *Miscellaneous Equipment* - \$336.

(b) *Hazmat Services.*

(1) *Level 1* - \$784.00.

(2) *Level 2* - \$2,800.00.

(3) *Level 3* - \$6,608.00.

i. Level 3 services include 3 hours of on-scene time. Each additional hour shall cost \$336.00 per HAZMAT team.

(4) *Additional Time On-Scene For All Service Levels.*

i. *Engine* - \$448.00.

ii. *Truck* - \$560.00.

iii. *Miscellaneous Equipment* - \$336.00.

- (c) *False Alarm Billing Rates.*
 - (1) The first and second false alarms within twelve (12) months in a calendar year are free of charge.
 - (2) Three (3) or more false alarms in a twelve (12) month calendar year are billed at \$100.00 per event.
- (d) *First Responder (No Transport)* - \$350.00 per incident.
- (e) *First Responder Subscription (No Transport)* - \$50.00 annually.
- (f) *Fire Investigation Team* - \$308.00.
- (g) *Fires.*
 - (1) \$448.00 per hour, per engine.
 - (2) \$560.00 per hour, per truck.
- (h) *Illegal Fires.*
 - (1) \$448.00 per hour, per engine.
 - (2) \$560.00 per hour, per truck.
- (i) *Water Incidents.*
 - (1) *Level 1* - \$448.00 plus \$56.00 per hour, per rescue person.
 - (2) *Level 2* - \$896.00 plus \$56.00 per hour, per rescue person.
 - (3) *Level 3* - \$2,240 plus \$56.00 per hour, per rescue person, plus \$112.00 per hour per HAZMAT team member.
 - (4) *Level 4* - Each Level 4 incident shall be billed as an independent event with the mitigation rates determined by the itemized rates set forth in this Section.
- (j) *Back Country or Special Rescue.*
 - (1) *Response vehicle* - \$448.00.
 - (2) *Rescue person* - \$56.00 per hour, per rescue person.
- (k) *Chief Response* - \$280.00.
- (l) *Miscellaneous Time On-Scene.*
 - (1) *Engine* - \$448.00.
 - (2) *Truck* - \$560.00.
 - (3) *Miscellaneous Equipment* - \$336.00.”

V.

The City Council may make rules or regulations, or may amend, revoke, or add rules and regulations, not consistent with this Section, as deemed necessary or expedient for billing these mitigation rates or the collection thereof.

VI.

The City of Watauga may enforce the provisions of this Ordinance by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder, plus attorneys' fees, costs, and expenses

VII.

This Ordinance shall be and is hereby cumulative of all Ordinances of the City of Watauga, Texas, and this Ordinance shall not operate to repeal or affect any such other Ordinances except insofar as the provision thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event, such conflicting provisions, if any, in such Ordinance or Ordinances are hereby repealed.

VIII.

If any section, sub-section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

IX.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Sections 3.11 and 3.13 of the Charter of the City of Watauga, Texas.

APPROVED:


ARTHUR L. MINER, Mayor

ATTEST:


ANDREA GARDNER, City Secretary

APPROVED AS TO FORM AND LEGALITY:


GEORGE E. HYDE, Interim City Attorney

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.

MOTOR VEHICLE INCIDENTS

Level 1 - \$487.00

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 - \$554.00

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 - \$677.00

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 - \$1,461.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department must free/remove anyone from the vehicle(s) using any equipment. The Department 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 - \$448.00

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: The Department has 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	\$448	per	hour.
Truck	billed	at	\$560	per	hour.
Miscellaneous equipment billed at \$336.					

HAZMAT

Level 1 - \$784.00

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

Level 2 - \$2,800.00

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 8 suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 - \$6,608.00

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 8 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 \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336.

FALSE ALARM BILLING RATES

(a) The first and second false alarms within twelve (12) months in a calendar year are free of charge

(b) Three (3) or more false alarms in a twelve (12) month calendar year are billed at \$100.00 per event

FIRST	RESPONDER	(NO	TRANSPORT)
\$350.00 PER INCIDENT			

FIRST RESPONDER SUBSCRIPTION (NO TRANSPORT)

\$50.00 PER YEAR

FIRE INVESTIGATION

Fire Investigation Team - \$308.00 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 - \$448.00 per hour, per engine / \$560.00 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 - \$448.00 per hour, per engine / \$560.00 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 \$448 plus \$56 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 \$896 plus \$56 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 rates of material and contaminated equipment and material used at scene.

Billed at \$2,240 plus \$56 per hour per rescue person, plus \$112 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 \$448 for the first response vehicle plus \$56 per rescue person. Additional rates of \$448 per hour per response vehicle and \$56 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 \$280 per hour.

MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336.

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.