

## **ORDINANCE NO: 2017-09**

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF PENITAS, TEXAS.

WHEREAS, the 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 fire department has investigated different methods to maintain a high level of quality of 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 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 service demands would not be fair to the property owners, when a majority of motor vehicle incidents and other emergency services involve individuals not owning property or paying taxes in the 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 Council of the City of Penitas 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; Now, Therefore

**BE IT ORDAINED BY THE COUNCIL THE CITY OF PENITAS, TEXAS.:**

SECTION 1: The City of Penitas shall initiate mitigation rates for the delivery of emergency services by the fire department for personnel, supplies and equipment to the scene of motor vehicle incidents and other 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: The mitigation rates shall be filed to the responsible party, 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.

SECTION 3: The fire department's Council 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: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the Council.

SECTION 5: This Ordinance shall take effect on November 1, 2017 after its passage and publication as may be required by governing law.

SECTION 6: These mitigation rates will only apply to persons not residing within the City of Penitas as the residents within the town boundaries currently subsidize these emergency service costs through their property taxes. Responses involving intoxicated drivers, hazmat clean-up, and negligent acts may be subject to all applicable rates regardless of residency.

Section 7. Proper Notice And Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

The City Charter requirement that all ordinances be read, considered, and approved on three separate readings is hereby waived by a majority vote of the City Council as allowed by City Charter Section 2.13(b).

READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PENITAS, HIDALGO COUNTY, TEXAS ON THIS THE 24<sup>th</sup> DAY OF OCTOBER 2017 AT A SPECIAL CALLED MEETING AT WHICH A QUORUM WAS PRESENT.

\_\_\_\_\_  
Mayor Rodrigo Rigo



\_\_\_\_\_  
Ana M. Valdez

City Secretary  
Ana Valdez

## **EXHIBIT A**

### **MITIGATION RATES 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 the 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 rates 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 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.**

## **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 \$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 rates 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.

## **FALSE ALARM BILLING RATES**

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

(b) The second (2nd) false alarm in a twelve (12) month calendar year is billed at \$100.00

(c) The third (3rd) false alarm in a twelve (12) month calendar year is billed at \$200.00

(d) The fourth (4th) through sixth (6th) false alarms in a twelve month (12) calendar year are billed at \$300.00 per event not exceed \$500.00 per calendar day.