

**HAINES FIRE PROTECTION DISTRICT**  
**[PROPOSED] RESOLUTION AUTHORIZING ADOPTION OF ORDINANCE**  
**--for--**

**ASSESSMENT OF FEES FOR RECOVERY OF ACTUAL COST**

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ADOPTING COST-BASED FEES AND RATES FOR DISTRICT PROVIDED SERVICES, ALLOWING FOR FUTURE BOARD AMENDMENT OF FEES AND RATES BY RESOLUTION; AND DELCARING AN EMERGENCY.

**WHEREAS**, Haines Fire Protection District (the District) Board of Directors ("the Board of Directors") desires to adopt an ordinance to assess fee(s) to enable the District to recover its actual cost for the use of District personnel and equipment (hereinafter the "Deployment"); and

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

**WHEREAS**, the fees established by this Ordinance have been evaluated by the Board of Directors and the Directors have reviewed and approved the actual costs of deploying its personnel and equipment; and

**WHEREAS**, the Board of Directors has determined that the fees do not exceed the actual cost of providing such a Deployment; and

**WHEREAS**, the Board of Directors has determined that it is fair, reasonable, and appropriate to adopt a cost recovery mechanism to collect the costs of Deployments, and the Board of Directors has determined that such fees will be limited to cost recovery only and will not be used to generate revenue for the District; and

**WHEREAS**, the Board of Directors wishes to equitably distribute District resources among all District citizens and has further determined that District Deployments to certain incidents are a drain on District resources and may impede legitimate emergency responses; and

**WHEREAS**, the District desires to establish a published system of rules, including fees and charges, to recover the District's actual cost, including labor and material, repairs and depreciation of capital assets, and other overhead; 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;

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**NOW, THEREFORE BE IT ADOPTED AS FOLLOWS:**

1. **ADOPTION OF RATE SCHEDULE.** The Board of Directors of Haines Fire Protection District hereby adopts the rates set forth in the Rate and Fee Schedule attached hereto and by this reference incorporated within this Ordinance as Appendix A. The Board further directs that such rates and fees, other than penalties for late payments, shall not be imposed as a penalty, but shall be calculated to recover the reasonable estimate of the actual cost to the District. The Board of Directors may, from time to time, amend the Rate and Fee Schedule by resolution as provided in Section 5 herein.
2. **FEES ESTABLISHED.** The Board of Directors hereby establishes and adopts the following rules for the assessment of cost-based fees, which shall be imposed subject to the Fire Chief or his or her designee's sole discretion in compliance with this Ordinance and any applicable administrative rules or procedures.
  - a. **Open Burning Violation Fee**  
A cost-based fee may be imposed for open burning violation Deployments as provided in this section. Open burning violations are defined as violations of any locally adopted fire code or violations of any applicable Oregon Revised Statute or DEQ regulation. Such fees may be imposed for repeated violations, egregious or purposeful violations, or for any open burning violation during high and extreme fire danger. Fees will be based upon the rates in Appendix A, as well as other documented actual costs of responding to the violation.
  - b. **Negligent Deployment Fee**  
A cost based fee for causing the unnecessary Deployment of District personnel and equipment to control and extinguish a fire where the responsible party (or landowner) was egregiously negligent and it is abundantly clear that normal and ordinary care was not exercised before starting the fire. Fees will be based upon the rates in Appendix A, as well as other documented actual costs of responding to the incident.
  - c. **Transportation Route Response Fee**  
A cost-based fee may be imposed for responses on certain transportation routes, as further provided in this section. "Transportation route" means any roadway, railway right-of-way, or waterway, against which no taxes or assessments for fire protection are levied by the District. Such cost-based fees may be imposed for responses to incidents, responses, or occurrences on such Transportation Routes, including aircraft crashes. Transportation Route response invoices will use dispatch time records to determine the commitment of apparatus and personnel and will use the rates as listed in Appendix A.

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- d. **Unprotected or Inadequately Protected Area Response Fee**  
A cost-based fee may be imposed for responses to incidents in unprotected or inadequately protected areas outside of District boundaries as provided in this section. 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 Appendix A. Miscellaneous supplies and services may also be invoiced and will be based upon the rates provided in Appendix A as well as scene documentation of the officer in charge.
  - e. **Hazardous Materials Response Fees**  
Cost-based fees may be imposed for responses involving hazardous materials remediation and for hazardous materials-related incidents. Fees may be imposed regardless of a State Hazardous Materials Team response and, if imposed will only be charged for the hazardous materials-related costs. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. In addition, administrative costs and miscellaneous supplies and services may be billed.
  - f. **Utility Assistance Fees**  
Cost-based fees may be imposed for responses to requests from utilities for assistance. The District responds to service calls involving utilities such as electric or cable wires down, natural gas leaks, water main leaks, etc. Cost-based fees may be imposed for these responses. Such fees will be based on the rates and fee schedule in Appendix A, as well as other documented actual costs of such response. In addition, administrative costs and miscellaneous supplies and services may be billed.
  - g. **Administrative Fee**  
An Administrative Fee of a minimum \$100.00 will be added to any and all fees assessed under the Ordinance.
3. **INVOICES; WAIVER.** The District shall address the invoices for fees to the responsible party or landowner, which may be: a registered property owner or agent; or any person or entity requesting or receiving services. The Fire Chief, or designee, shall be responsible for determining the responsible party and for reviewing all the cost recovery invoices. The Fire Chief may, at his or her discretion, waive or amend fees assessed in compliance with this Ordinance and any applicable administrative rules.
  4. **REVIEW AND AMENDMENT.** The Fire Chief will present the fees or rates adopted under this Ordinance to the Board of Directors for review and possible amendment at least once every two years, or sooner upon the Fire Chief’s sole discretion. The fees and Appendix A, which are adopted and approved by the

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Board of Directors in this Ordinance, may be amended from time to time by Board resolution at a duly noticed and public Board meeting. Prior to adoption of the resolution, the Board shall provide an opportunity for the public to comment on the resolution at a public Board meeting.

5. **RULES.** The Board of Directors hereby grants to the Fire Chief the discretion 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.
6. **APPEALS.** To file an appeal of a fee assessed under this Ordinance, the appellant must provide a written statement to the Fire Chief within twenty-one (21) days of receipt of the fee invoice. The statement must clearly explain the basis of the appeal, stating why the filer thinks the fee was improper, noting specifically whether it was properly assessed or calculated. The Fire Chief will issue a written decision within ten (10) days. Decisions of the Fire Chief are final and not appealable.
7. **COLLECTIVE PROCEDURES.** Fees will be invoiced within sixty (60) days of the service delivery date. Payment is due upon receipt. If payment or reasonable payment arrangements are not made within sixty (60) days of billing, the invoice shall be considered delinquent and the District will proceed with the collections as deemed appropriate by the Fire Chief, including use of an outside collection agency. Costs of collection shall 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.
8. **EMERGENCY.** It is hereby adjudged and declared that the immediate passage of this ordinance is necessary for the preservation of the public peace, health and safety of the Haines Fire Protection District, and therefore an emergency is hereby declared to exist and this ordinance shall take effect and shall be in full force and effect on January 1<sup>st</sup>, 2020.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Terry Blaske  
President, Board of Directors

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## **Haines Fire Protection District**

### **RATE AND FEE SCHEDULE**

#### **APPENDIX A.**

Fees for service shall be limited to cost recovery. Methods of calculating the cost of services shall 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.

The District adopts the current rates and fee schedule established by the Office of the State Fire Marshal (OSFM) (OAR 837, Division 130 and the State Fire Marshal's Oregon Fire Service Mobilization Plan and any applicable Conflagration Act). This model will be used, when applicable, to set the rates regarding billing of actual costs associated with District resource usage and may include equipment rates.

District personnel costs will be billed at \$25.00/hour. If overtime is necessary, staffing costs will be billed at 1.5 times the scale, or \$37.50/hour. An Administrative Fee of a minimum of \$100.00 will be added to any fees assessed under the Ordinance.

#### Miscellaneous Supplies and Services

Disposable supplies used will be billed on specific usage and cost of replacement. Cost of outside vendors or services used will be billed without markup. Other expenses directly related to the service delivery shall be charged at the actual cost.

#### Open Burning Violation Responses

Open burning violation responses that are invoiced will be billed on a per hour basis using the rates and fee schedule established by this Appendix A. In addition, administrative costs and overhead will be added to each invoice.

#### Negligent Causation Deployment

Negligent causation deployments will be billed on a per hour basis using the rates and fee schedule established by this Appendix A. In addition, administrative costs and overhead will be added to each invoice.

#### Transportation Route Responses

Transportation route responses will be billed on a per hour basis using the rates and fee schedule established by this Appendix A. Miscellaneous supplies and services, if applicable, will be based upon scene documentation of the officer in charge. In addition, administrative costs and overhead will be added to each invoice.

#### Response to Unprotected or Inadequately Protected Areas

Responses to unprotected areas will be billed on a per hour basis using the rates and fee schedule established by this Appendix A. Miscellaneous supplies and services, if applicable, will be based upon scene documentation of the officer in charge. In addition, administrative costs and overhead will be added to each invoice.

## APPENDIX A.

### SOURCE: Oregon Office of State Fire Marshal Fire Apparatus Type and Personnel – Service Charge Rates

Engines	Type 1	Type 2	Type 3	Type 4	Type 5	Type 6	Type 7
Pump	1000 gpm	500 gpm	120 gpm	70 gpm	50 gpm	50 gpm	50 gpm
Tank	400 gal	400 gal	500 gal	750 gal	400 gal	150 gal	50 gal
RATE	\$100/hr	\$80/hr	\$60/hr	\$50/hr	\$50/hr	\$50/hr	\$25/hr

Tenders	Type 1	Type 2	Type 3
Pump	300 gpm	120 gpm	50 gpm
Tank	2000 gal	1000 gal	1000 gal
RATE	\$70/hr	\$55/hr	\$40/hr

Firefighting Personnel
\$25/hr/per person