

ORDINANCE NO. AFPD 008

AN ORDINANCE ESTABLISHING A FIRST RESPONDER FEE FOR EMERGENCY
MEDICAL SERVICES WITH THE
AMADOR FIRE PROTECTION DISTRICT

WHEREAS, the Board of Directors of the (“District”) has heretofore adopted the First Responder Fee Ordinance, which sets forth a First Responder Fee; and

WHEREAS, California Health and Safety Code Sections 13146.2(b), 13217(b), 13862, 13869, 13871, 13874, 13916, and 17951, together with Chapter 8, Division 1, Title 7 of the California Government Code, authorize the District to adopt a First Responder Fee and to charge and collect a fee to defray the cost of providing District services; and

WHEREAS, the District has determined that, in order to adequately provide fire-related and emergency medical services to the general public, the District desires to adopt a new fee which is attached hereto as Exhibit 1 and incorporated herein by this reference; and

WHEREAS, the First Responder Fee set forth does not exceed the actual or estimated cost of the provision of the public services to which they relate; and

NOW THEREFORE THE BOARD OF DIRECTORS OF THE AMADOR FIRE PROTECTION DISTRICT DOES ORDAIN TO ESTABLISH A FIRST RESPONDER FEE FOR EMERGENCY MEDICAL SERVICES AS FOLLOWS:

1.0 Authorization and Purpose:

This ordinance is adopted pursuant to Health and Safety Code Section 13916 et seq., a portion of the Act. The purpose of the ordinance is to recover District costs of providing emergency medical services, including but not limited to first responder services for individual assessments that result in ambulance transport and individual assessments that do not result in ambulance transport. This ordinance shall be interpreted in a manner consistent with the Act and applicable law. The fees imposed by this ordinance are for the purpose of recovering the cost of certain District operating expenses, including but not limited to employee wage rate and benefits, medical supplies, and the contracting of services with specialized firms or individuals, which are reasonably related to the actual and on-going expenses incurred by the District for the services and expenses described in this Section.

2.0 Emergency Medical Services Fees:

The Board of Directors hereby approves and adopts the First Responder Fee as set forth in the Amended Fee Schedule in Exhibit 1, attached hereto and incorporated herein by this reference.

3.0 Applicability:

This ordinance sets forth the fees and the amount to be charged by the District, as permitted by Health and Safety Code Section 13916. As authorized by Health and Safety Code Section 13918, public agencies that are not covered by a mutual aid agreement shall be charged the authorized fee, unless waived by the District pursuant to ordinance Section 3. By adopting this ordinance, the District is enacting user fees to defray costs associated with emergency medical services and described within as a First Responder Assessment.

4.0 Waiver of Fees (Compassionate Billing Clause):

As permitted by Health and Safety Code Section 13919, the District Board may waive charges/fees established by this ordinance and may delegate its authority to the Fire Chief or his/her designee to determine that charges/fees would not be in the public interest, as in cases where there are reciprocal services provided by other public agencies, employee welfare, or personal hardship. The District's will not seek balance billing beyond insurance coverage for residents of Amador County.

5.0 Specified Fee:

Unless waived pursuant to ordinance Section 3, every public agency and/or party involved shall pay a specified fee pursuant to this ordinance. The fee for services shall be set by the District Board and shall not exceed the reasonable amount necessary to recover the costs of providing the specified service as allowed by law. The specified fee for service may be modified pursuant to Health and Safety Code Section 13917.

6.0 No Waiver of Other Means of Cost Recovery:

This ordinance does not preclude the District from pursuing any additional means of cost recovery, including, but not limited to, actions pursuant to Health and Safety Code Section 13009 (for negligent actions which cause the use of services or facilities of the District) and actions against parties whose willful, grossly negligent, or criminal conduct causes the use of District services or facilities.

7.0 Fee Modification:

These fees may be increased in the future by District resolution consistent with applicable law, including but not limited to annual adjustments to the fee model provided as part of the comprehensive study provided by Matrix Consulting Group May of 2019.

8.0 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

THIS ORDINANCE SHALL BECOME EFFECTIVE JULY 1, 2019.

THE FOREGOING ORDINANCE WAS DULY PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE AMADOR FIRE PROTECTION DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE 21ST DAY OF MAY, 2019, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

President, Board of Directors

ATTEST: _____
LINDSEY CLARK, Clerk of the
Amador Fire Protection District
Amador County, California

EXHIBIT 1

First Responder Fee – Per Response \$229.00

As defined in the User Fee Study Prevention & First Responder Fee by Matrix Consulting Group
May, 2019.

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