

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Action: Ordinance Concerning Fire & EMS Response Fees to Out-of-Area Users and Adding Section 2.610 to the Eugene Code, 1971

Meeting Date: September 26, 2011
Department: Fire & EMS Department
www.eugene-or.gov

Agenda Item Number: 3
Staff Contact: Randall B. Groves, Chief
Contact Telephone Number: 541-682-7115

ISSUE STATEMENT

The Fire & EMS Department is requesting to add section 2.610 to the Eugene Code, 1971, concerning fire and emergency medical services (EMS) first response fees for out-of-area users.

BACKGROUND

Since the department was formed in 1872, the citizens of Eugene City, later renamed the City of Eugene, have enjoyed the services of the Fire Department which is supported primarily by General Fund dollars. The service was delivered by volunteer firefighters until the early 1920's when a full-time paid firefighting force was employed. Since then, the department has been considered a core service of the City and responds to calls for service within its response area regardless of a person's residency status or ability to pay.

As the City works to reduce its costs while looking for additional fair, stable and equitable revenues, the Fire Department is requesting the adoption of this ordinance to provide a mechanism for billing non-residents who utilize emergency response from General Fund supported Fire and EMS resources. This move is consistent with what a number of other jurisdictions have imposed within our area, across the State and country. Based on previous calls for service by out-of-area residents, it is estimated this new fee will bring in an additional \$12,600 in annual revenues.

This proposal does not adversely affect anyone living within the cities of Eugene and Springfield, or one of the current fire protection contract districts served by either city, or a member of either City's FireMed program, or a member of a reciprocating agencies FireMed program.

RELATED CITY POLICIES

Current Eugene City Code states:

2.604 Fire and Ambulance Services.

- (1) The city shall provide fire suppression and fire prevention and may provide ambulance services. The scope of these services inside and outside the city limits are to be established annually by the adopted budget of the city and organized as directed by the city manager.
- (2) Employees in position classifications determined by the city manager shall have authority to act as a city police officer for purposes of fire suppression and fire prevention.

There is currently code to support ambulance service fees:

2.608 Ambulance Services - Fees.

- (1) The city manager may set all rates and fees for any ambulance service operated by the city. Except in an emergency when such rates and fees may be immediately imposed, all rates and fees shall be established only after public notice, hearing and findings that the proposed adjustments are:
 - (a) in the public interest,
 - (b) except as approved by the council, insure the ambulance service will not draw on the general tax revenues of the city, and
 - (c) will insure those who receive the service pay in proportion to the cost of the service provided.
- (2) The decision of the city manager to establish rates and fees in subsection (1) above shall be final unless an aggrieved person appeals the decision to the council. The appeal shall be in writing and filed with the council within 30 days of the city manager's decision. Except in an emergency, the appeal suspends implementation of the city manager's decision until the council hears the appeal. The council shall hear the appeal promptly and affirm, modify or repeal the decision of the city manager.
- (3) The city manager or the manager's designate shall pursue collection of fees and charges established under subsections (1) and (2) by all lawful remedies available to the city to recover costs for services rendered plus collection costs, including attorney fees.

In order to sustain the firefighting portion of the department, it is requested that an ordinance be established allowing out-of-area users of Fire Department services to be charged a first response fee. A public hearing on the proposed ordinance was held on September 19, 2011. A question arose as to the meaning of the definition of "out-of-area person." For clarification, a definition has been added to the code provision to read as follows: "As used in this section, 'out-of-area person' means persons residing outside of the cities of Eugene and Springfield and any special district which contracts with the cities of Eugene or Springfield to provide their fire service."

COUNCIL OPTIONS

1. Adopt the ordinance as proposed.
2. Adopt the ordinance as amended by the council.
3. Provide other direction.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends adoption of the ordinance as proposed.

PUBLIC COMMENT

A public hearing was held September 19, 2011. No public comments were received.

In response to the question concerning the percentage of calls for users outside of Lane County, 31% of the calls reviewed were for patients who live outside of Lane County.

SUGGESTED MOTION

Move to adopt an Council Bill 5054, an ordinance concerning Fire & EMS response fees to out-of-area users and adding Section 2.610 to the Eugene Code, 1971.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING FIRE AND EMS RESPONSE FEES TO OUT-OF-AREA USERS AND ADDING SECTION 2.610 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.610 is added to the Eugene Code, 1971, to provide:

2.610 Fire and EMS Response Fees.

- (1) Applicability. Subject to the provisions of this section, the city may impose fire and EMS response fees when fire or EMS personnel respond to incidents involving out-of-area persons who are not members of FireMed or a reciprocating FireMed program. As used in this section, “out-of-area person” means persons residing outside of the cities of Eugene and Springfield and any special district which contracts with the cities of Eugene or Springfield to provide their fire service.
- (2) Vehicular Accidents. When fire or EMS personnel respond to an incident involving a vehicular accident, a response fee not to exceed \$450.00 may be charged to any out-of-area person.
- (3) Adoption of Fees. The response fees shall be established by the city manager pursuant to section 2.020 of this code as provided in subsection (2) of this section.
- (4) Collection. A statement for payment of the response fee shall be sent to the out-of-area person(s) involved in the incident. The amount shall constitute a debt due to the city from the recipient, may be collected in any manner authorized by law, and is recoverable in a civil action brought in the name of the city in a court of competent jurisdiction for recovery of the amount plus reasonable attorney fees.
- (5) Appeal. A person who is issued a statement under subsection (4) of this section and believes that the statement, or the amount of the response fee in the statement, is not authorized by this code, may appeal in the manner provided by section 2.021 of this code. The appeal shall be heard and determined by a hearings officer in the manner set forth in section 2.021 of this code.

Section 2. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

____ day of September, 2011

Approved by the Mayor this

____ day of September, 2011

City Recorder

Mayor