

# INFORMATION ABOUT THE HUNTINGTON BEACH FIRE DEPT EMERGENCY RESPONSE COST RECOVERY PROGRAM

## TIMELINE

- **ORDINANCE 3888** – Adopted into the Municipal Code on August 16, 2010
- **RESOLUTION 2010-57** – Fee schedule with an effective date of September 15, 2010
- **Start Date For Claims To Be Filed**
  - Cost recovery claims will be charged after a bid process and formalization of a contract with a third billing company is completed. It is estimated that this will be finalized in a minimum of approximately two months.

## WHEN THE FEES APPLY

- **Vehicle Accidents with Fluid Spills**
  - NOT applied on every accident or fender bender.
  - It applies only when there are fluids at the incident that leaked from the vehicles involved in the collision, property damage or loss of the use of the roadway.
  - Gasoline, motor oil, coolant or antifreeze may be flammable, dangerous to the environment, or cause other dangers (such as a slippery condition) and must be mitigated by the fire department.
- **Vehicle Fires**
  - Applies when a vehicle catches fire as an involvement in an incident.
- **Extrication**
  - Applies when a person involved in a traffic accident cannot get out of the car by themselves or even with help by the firefighters at the accident. The least invasive action will always be used to remove a patient from the vehicle. Extrication is used only when it is the last resort or if other actions would cause further injury to the patient.
- **Landing Zone Set-Up**
- Applies to the use of a helicopter for transporting a patient. Use is infrequent, and usually used only when a helicopter could get the patient to the hospital quicker and there are other issues that will negatively affect the patient, such as a lengthy road travel due to traffic congestion.
- **Pipeline and Power Line Incidents**
  - Applies but not limited to gas, oil, sewer, septic to sewer and water pipelines.
  - Claim will include cost recovery for but not limited to perimeter establishment, evacuations, inspection and repair and command services.

*(continued)*

## **FURTHER INFORMATION ON VEHICLE ACCIDENTS**

- Only applies to non-residents.
  - Residents pay property taxes which fund the emergency service.
  - However, the department is compelled to maintain an emergency services system that is available and quick to respond, even with the impact of over 16 million visitors to Huntington Beach each year.
- Only the at-fault driver is billed.
  - The at-fault driver is determined by the police report, the insurance company and possibly a court of law.
  - The at-fault driver caused property damage, hazardous fluid spills or loss of use of the roadway to the City.
- The insurance of the at-fault driver is billed.
  - Drivers in the state of California are required to maintain vehicle insurance.
  - The insurance company is billed, and whatever is paid is accepted as full payment for the claim. The insured at-fault driver will not pay additional monies out of pocket.
  - Insurance companies will use coverage for property damage liability, comprehensive, and/or Med Pay-PIP (coverage for medical and personal injury protection) and the majority of them do pay on the claims presented.
  - If the at-fault driver does not have insurance, the driver will be directly billed.

## **“WILL MY INSURANCE PREMIUM GO UP?”**

- NOT BECAUSE OF THE CLAIMS FROM THE HUNTINGTON BEACH FIRE DEPT.
- Per the California Insurance Commission, if a person gets in a vehicle accident and is at-fault, their rates may increase due to the DMV driving point on their record.
- The cost of the claim does not have an effect on the amount of the premium increase.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
ADDING CHAPTER 8.43 OF THE HUNTINGTON BEACH MUNICIPAL  
CODE RELATING TO COSTS OF EMERGENCY RESPONSE

WHEREAS, the City of Huntington Beach is authorized to provide services relating to the protection of lives and property including, but not limited to, fire protection services, rescue services, emergency medical services, hazardous material emergency response services; and

WHEREAS, the City Council of the City of Huntington Beach finds that the quantity and scope of services provided by the Huntington Beach Fire Department and the costs associated with providing those services has and continues to grow at a rate exceeding that of the growth of revenues to provide such services; and

WHEREAS, the City Council of the City of Huntington Beach finds that the costs of providing some of the services of the Huntington Beach Fire Department are an increasing burden on the City of Huntington Beach; and

WHEREAS, the City of Huntington Beach may establish a rate to recover the reasonable costs borne by the City for costs of services necessary to protect the public health and safety associated with motor vehicle accidents, motor vehicle fires, motor vehicle extractions, hazardous materials spills or discharge, including but not limited to pipeline and/or power line incidents, and other emergency incidents; and

WHEREAS, it is the purpose and intent of the City of Huntington Beach to establish rates to cover the cost of services which the Huntington Beach Fire Department provides related to motor vehicle accidents, collisions, motor vehicle fires, motor vehicle extractions, hazardous materials spills or discharge, including but not limited to pipeline and/or power line incidents, and other emergency incidents.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 8.43.010 of the Huntington Beach Municipal Code is hereby added to read as follows:

**Chapter 8.43**

**COSTS OF EMERGENCY RESPONSE**

**Sections:**

- 8.43.010      Definitions
- 8.43.020      Rate Schedule Adoption
- 8.43.030      Cost of Emergency Response

**8.43.010 Definitions.** For purposes of this chapter, the following words shall have the meaning hereafter set forth unless a different meaning is clearly intended from the context in which such word is used. Any word not defined herein shall have the meaning attributed to it in ordinary usage.

- (a)      “Expenses of an Emergency Response” means those reasonable and necessary costs directly incurred by the City in making an appropriate emergency response to an incident, and include the cost of providing police, firefighting, search and rescue, and emergency medical services at the scene of an incident, and salaries of the persons who respond to the incident, but does not include charges assessed by an ambulance service.
- (b)      “Hazardous Materials” shall mean the same as the term “Hazardous Waste” as defined by the California Department of Health pursuant to Health and Safety Code Sections 25117 and 25141.
- (c)      “Incident” means any event which causes an emergency response by the City.

SECTION 2. Section 8.43.020 of the Huntington Beach Municipal Code is hereby added to read as follows:

**8.43.020 Rate Schedule Adoption.** The City Council shall adopt and amend, from time to time, a schedule of rates as described in this section by resolution.

SECTION 3. Section 8.43.030 of the Huntington Beach Municipal Code is hereby added to read as follows:

**8.43.030 Costs of Emergency Response.** Rates to cover the costs of services provided by this section are as follows:

- (a)      The following rates shall be charged for recovery of costs associated with motor vehicle accidents, collisions, motor vehicle fires, motor vehicle extractions, including, but not limited to pipeline and/or power line incidents, and other emergency incidents.

(1) Motor Vehicle Incidents. The cost for services provided by the Huntington Beach Fire Department in connection with an emergency response to motor vehicle accidents, collisions, fires, extractions, and other emergency incidents shall be determined on a case-by-case basis by the Fire Chief, his/her designee or third party billing service, in an amount not to exceed the amount directly incurred by the City to provide such service, including, but not limited to, reasonable costs of collecting such rates, including reasonable attorney fees. Such cost shall be charged according to the usual, customary and reasonable rates as set by a schedule of rates adopted by Resolution of the City Council. The cost shall not be charged to any person who is a resident of the City of Huntington Beach.

(b) The following rates shall be charged for recovery of costs associated with hazardous materials mitigation and/or clean up and investigation, including, but not limited to, pipeline (*i.e.*, gas, sewer, septic to sewer and water pipelines) and/or power line incidents.

(1) Hazardous materials mitigation and/or clean up and investigation costs shall be determined on a case-by-case basis by the Fire Chief, his/her designee or third party billing service in an amount not to exceed the amount directly incurred by the City to provide such service, including, but not limited to, reasonable costs of collecting such rates, including reasonable attorneys fees. Such cost shall be charged according to the usual, customary and reasonable rates as set by a schedule of rates adopted by Resolution of the City Council.

(c) Persons Subject to Charges. Except as provided herein, the foregoing costs shall be charged to any person or persons whose negligent or willful act is the cause of any motor vehicle accident, collision, fire, extraction or technical rescue, and to any person, regardless of fault, responsible for the release or discharge of any hazardous materials, including, but not limited to, pipeline and/or power line incidents. Costs shall also be charged for any other emergency incident.

(d) Non-Exclusive Remedies. Nothing in this section precludes the City of Huntington Beach from using any other available method to recover costs as described in this section by any other means available by law.

SECTION 4. If any part of this ordinance is held invalid for any reason, such decision shall not invalidate any other section or provision of this ordinance.

SECTION 5. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

*[Signature]* 7/7/2010  
\_\_\_\_\_  
City Attorney DKO 7/7/10  
7/7/2010

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

*[Signature]*  
\_\_\_\_\_  
Fire Chief

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HUNTINGTON BEACH SETTING THE COST OF EMERGENCY  
RESPONSE FOR MOTOR VEHICLE INCIDENT, AND HAZARDOUS  
MATERIALS, INCLUDING PIPELINE AND POWER LINE INCIDENTS,  
RATES TO BE CHARGED BY THE FIRE DEPARTMENT OF  
THE CITY OF HUNTINGTON BEACH

WHEREAS, Section 8.43.020 of the Huntington Beach Municipal Code provides that the City Council shall by resolution establish rates for the costs of emergency response services for motor vehicle incident, and hazardous materials, including, but not limited to, pipeline and/or power line incidents, provided by the City of Huntington Beach Fire Department; and

In order to assist in defraying the cost of police, firefighting, search and rescue and emergency medical services, the City Council desires to establish rates to be paid by persons who utilize or benefit from having said police, firefighting, search and rescue and emergency medical services readily available; and

The rates hereinafter established do not exceed the estimated reasonable and necessary costs incurred in making an emergency response to an incident in the City of Huntington Beach for which the rates are charged,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

That the rates set forth in Exhibit A are hereby established as follows:

MOTOR VEHICLE INCIDENTS

Motor Vehicle Accidents with Fluids	\$ 595.00
Car Fire	\$ 750.00
Extrication	\$1,995.00
Landing Zone Set-up	\$ 405.00 per engine per landing zone

PIPELINE INCIDENTS/POWER LINE INCIDENTS

(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)

Basic Response	\$ 405.00
Intermediate Response	\$1,120.00

CHIEF RESPONSE \$210.00 per hour

MISCELLANEOUS

Engine	\$ 405.00 per hour
Truck	\$ 505.00 per hour
Miscellaneous equipment	\$ 405.00 per hour

BE IT FURTHER RESOLVED that the effective date of the rates set forth in this Resolution shall be on \_\_\_\_\_.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

APPROVED AS TO FORM:

*P. L. Dan* 7/7/2010  
\_\_\_\_\_  
City Attorney DKO 7/7/10

INITIATED AND APPROVED:

*Daniel H. G. Lopez*  
\_\_\_\_\_  
Fire Chief

**EXHIBIT A**

## **EXHIBIT A**

### **MITIGATION RATES BASED ON PER HOUR**

#### **MOTOR VEHICLE INCIDENTS**

##### **Motor Vehicle Accidents with Fluids - \$595**

Includes services 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 including debris in the roadway.

##### **CAR FIRE - \$750**

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.

##### **Extrication - \$1,995**

Includes 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.

##### **Landing Zone Set-up \$405 per Engine per Landing Zone**

We will bill at this level any time a helicopter is utilized to transport the patient(s).

#### **PIPELINE INCIDENTS / POWER LINE INCIDENTS**

**(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)**

##### **Basic Response - \$405**

Claim will include engine response and first responder assignment, perimeter establishment, evacuations, first responder set-up and command. Includes inspection without damage or breakage.

## **Intermediate Response - \$1,120**

Claim will include engine and truck response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. Supervise and/or assist pipeline repair.

## **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 \$210 per hour.**

## **MISCELLANEOUS**

**Engine billed at \$405 per hour.**

**Truck billed at \$505 per hour.**

**Miscellaneous equipment billed at \$405 per hour.**

## **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.