

RESOLUTION NO: 19-12-1

A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY, NON-EMERGENCY, FALSE ALARM, AND HAZARDOUS MATERIAL SERVICES BY THE MCCUTCHANVILLE VOLUNTEER FIRE DEPARTMENT, INC. ("MCCUTCHANVILLE FIRE DEPARTMENT" FOR SERVICES PROVIDED/RENDERED BY THE MCCUTCHANVILLE FIRE DEPARTMENT.

WHEREAS, the emergency services response activity provided by the McCutchanville Fire Department within Center Township to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creates additional demands on all operational aspects of the McCutchanville Fire Department services; and

WHEREAS, the McCutchanville Fire Department advises it has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the McCutchanville Fire Department is believed to decrease the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency and non-emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, the McCutchanville Fire Department believes that a fair and reasonable solution is to hold the responsible party(s), as defined in I.C. 13-11-2-191(e), liable for the service demands, false alarm expenses, and other costs incurred; and

WHEREAS, the Board of the McCutchanville Fire Department 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, including engaging a third party to provide billing services; and

WHEREAS, upon approval of this resolution by the Board of Trustees for Center Township, the McCutchanville Fire Department will publish notice of the proposed mitigation rates in a local newspaper of general circulation in accordance with I.C. § 5-3-1-4 at least thirty (30) days prior to the mitigation rates taking effect.

Now, Therefore: _

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MCCUTCHANVILLE FIRE DEPARTMENT:

SECTION 1: The McCutchanville Fire Department shall initiate mitigation rates for the delivery of emergency, non-emergency, false alarm, and hazardous material services by the McCutchanville Fire Department for personnel, supplies and equipment to the scene of emergency, non-emergency, false alarm, and hazardous material 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), and in accordance with the rates established by the state fire marshal, 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: Upon approval of this resolution by the Board of Trustees for Center Township, the McCutchanville Fire Department shall publish the proposed service rates in a local newspaper of general circulation in accordance with I.C. § 5-3-1-4 at least thirty (30) days prior to the rates taking effect.

SECTION 3: The McCutchanville Fire Department shall allow residents of McCutchanville the opportunity to send written notice to the McCutchanville Fire Department refusing service by the department to the owner's property in accordance with I.C. 36-8-12-16(a)(2).

SECTION 4: The responsible parties will be billed directly within thirty (30) days after the services are provided and said bill shall include the following: (1) a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report; (2) verification that the bill has been approved by the chief of the McCutchanville Fire Department; and (3) language indicating that correspondence from the property owner and any question from the property owner regarding the bill should be directed to the McCutchanville Fire Department. In some circumstances, a claim may be billed to the responsible party(ies) through their insurance upon request of the responsible party(ies).

SECTION 5: The responsible party(ies) will be billed directly for false alarms and hazardous material services in accordance with I.C. 36-8-12-17(c) and 36-8-12-2-9.

SECTION 6: The McCutchanville Fire Department's Board may make rules or regulations and from time to time, may amend, revoke, or add rules and regulations not inconsistent with this Resolution, as they may deem necessary or expedient in respect to billing for the mitigation rates or the collection thereof, including engaging a third party to provide billing and collection services; provided such rules or regulations are in accordance with Indiana law, including, but not limited to, the provisions of I.C. § 36-8-12-13 and I.C. § 36-8-12-16.

SECTION 7: It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in open meetings of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Resolutions of the Board.

SECTION 8: This resolution shall take effect at the date of adoption and after approval of this resolution and schedule of service charges by the Board of Trustees for Center Township Trustee.

SECTION 9: To the fullest extent permitted by law, the McCutchanville Fire Department agrees to indemnify, defend, and hold harmless Center Township Trustee, its officers and members, from and against any and all costs, expenses (including reasonable attorney fees & expert fees), liabilities, losses, claims, damages, suits, actions, fines, penalties, claims or demands of any kind asserted by or on behalf of the McCutchanville Fire Department or any person or entity, arising out of or in any way connected with the services provided by the McCutchanville Fire Department, and the Center Township Trustee shall not be liable to the McCutchanville Fire Department on account of: (a) any failure by the McCutchanville Fire Department to perform any of its services required to be performed by the McCutchanville Fire Department; (b) any failure by the McCutchanville Fire Department to comply with any statutes, ordinances, regulations, or any orders by any entity; (c) the injury to or death of any person or the damage to or loss of any property occurring directly or indirectly from the services required to be performed by the McCutchanville Fire Department; and (d) any negligence or willful misconduct of the

EXHIBIT A

MITIGATION RATES BASED ON PER HOUR

The mitigation rates below 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.

MOTOR VEHICLE INCIDENTS

Level 1 - \$487.00

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 - \$554.00

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 - \$677.00

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.

ADD-ON SERVICES:

Extrication - \$1,461.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added 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.

Creating a Landing Zone - \$448.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

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.

ADDITIONAL TIME ON-SCENE

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336.

HAZMAT

Level 1 - \$784.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,800.00

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 – \$6,608.00

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 @ \$336.00 per HAZMAT team.**

ADDITIONAL TIME ON-SCENE (for all levels of service)

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336.

FIRE INVESTIGATION

Fire Investigation Team - \$308.00 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 - \$448.00 per hour, per engine / \$560.00 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.

ILLEGAL FIRES

Assignment - \$448.00 per hour, per engine / \$560.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

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 \$448 plus \$56 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 \$896 plus \$56 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 \$2,240 plus \$56 per hour per rescue person, plus \$112 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 \$448 for the first response vehicle plus \$56 per rescue person. Additional rates of \$448 per hour per response vehicle and \$56 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 \$280 per hour.

MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336.

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.