

ORDINANCE, O-16-05

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED BY THE GARLAND CITY FIRE DEPARTMENT.

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year with Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the Garland City Fire Department (Fire Department, hereafter) services; and

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

WHEREAS, raising real property taxes to meet the increase in service demands places an unfair burden on Garland City residents, when the responsible party should be held financially accountable for their actions; and

WHEREAS, the City Council and the Fire Department desire to establish reasonable mitigation costs/rates and 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.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE GARLAND CITY:

SECTION 1: The Garland City Council, with assistance of the Fire Department, establishes and sets mitigation rates for the delivery of emergency and non-emergency services by the Fire Department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates are based on the actual costs of the services and on costs which are usual, customary and reasonable (UCR) as shown on "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed with the responsible party through his/her/its/their insurance carrier, if any and if possible. In some circumstances, the responsible party will be billed directly.

SECTION 3: The City Council, with the assistance of the Fire Department, may adopt ordinances and/or resolutions, which adopt rules and/or regulations deemed necessary to more fully implement the provisions of this Ordinance and any related Ordinances and Resolutions, and from

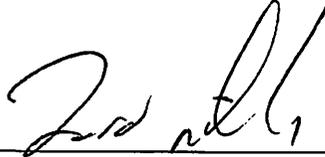
time to time may amend, revoke or add rules and regulations, not inconsistent with this Section and Ordinance, as the City Council may deem necessary or expedient in respect to billing for and collecting these mitigation rates or the collection thereof. *The Fire Department reserves the right to send unpaid invoices to a third party collection agency to collect for services rendered, and to take any and all other actions allowed by law to bill for and collect any amounts due for services rendered. Any fees associated with said collections will be responsibility of the billed party.*

SECTION 4: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 5: The existing Ordinance No. 0-14-03 is superseded and amended to read as set forth in this Ordinance; provided, however, that this Ordinance shall be deemed a continuation of the previous Ordinance, and not a new enactment, insofar as the substance of revisions of the previous Ordinance is included, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction.

The provisions of this ordinance shall take effect upon its passage, signature by the Mayor and City Recorder and after being posted or published as required by law.

PASSED and ADOPTED this 27th day of April, 2016.

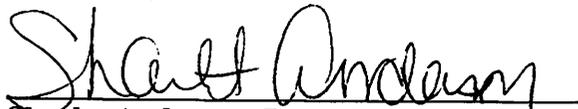
By: 
Todd Miller, Mayor

[SEAL]

VOTING:

Linda Bourne	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Angie Johnson	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>	Absent
Joshua Marble	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Tom Perry	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
JR Thompson	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	

ATTEST:


Sharlet Anderson, Recorder