



EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Finance Committee / Committee of the Whole
Regular Meeting - Thursday April 19, 2018 3:00 P.M.
(Rescheduled from April 9, 2018)

Meeting Location: Brentwood City Hall (Vista Conference Room) 150 City Park Way, Brentwood

Committee Members			
Brian Oftedal	Joe Young Chair	Erick Stonebarger	Stephen Smith

AGENDA

1. Call to Order and Roll Call / Introductions
2. Public Comment
At this time the public may address the Committee on subject matters pertaining to Committee business **not** listed on the agenda. Remarks may be limited to 3 minutes per speaker subject to the discretion of the Committee Chair and with the concurrence of the Committee.
3. Discuss New Logo & Implementation Plan
4. Discuss Proposed Training Grounds / Site
5. Discuss Weed Abatement Contract
6. Recommend Board Actions on District Fees:
 - a. Introduce, Hold Public Hearing and Adopt Fire Recovery Fee and Emergency First Responder Fee Ordinance
 - b. Amend Resolution on Fee Waivers
7. Review Statement of 3rd Quarter Income & Expenditures
8. Review and Recommend Acceptance of District's OPEB Actuarial Study
9. Receive Update on FY 2015-2016 and FY 2016-2017 Audits
10. Discuss Purchase of Three Staff Vehicles and Three Type 1 Engines
11. Discuss Proposal for Analysis of Pension Liabilities
12. Requests for Future Agenda Items
13. Establish date for May Finance Committee meeting (Staff Recommendation: May 17, 2018)

14. Adjournment

Meeting Note: This Committee meeting may be attended by Members of the Board of Directors who do not serve on this Committee. In the event that a quorum of the entire Board is present, this Committee shall act as a Committee of the Whole. In either case, any item acted upon by the Committee or the Committee of the Whole will require consideration and action by the full Board of Directors as a prerequisite to its legal enactment.

All items appearing on the agenda are subject to action by the Committee.

POSTING STATEMENT

A copy of this agenda was posted **April 16, 2018 at the East Contra Costa Fire Protection District Administrative Office, 150 City Park Way, Brentwood, CA 94513.** Pursuant to CA Government Code §54957.5, disclosable public records and writings related to an agenda item distributed to all or a majority of the Board of Directors less than 72 hours prior to this meeting are available for public inspection at the East Contra Costa Fire Protection District Administrative Office, 150 City Park Way, Brentwood, CA 94513.

NOTICE In compliance with the Americans with Disabilities Act, any individuals requesting special accommodation to attend and/or participate in District Board meetings may contact the District Administrative Office at (925) 634-3400. Notification 48 hours prior to the meeting will enable the District to make reasonable accommodations.

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS**

Meeting Date: April 19, 2018

Subject/Title: Set a Public Hearing to Consider an Ordinance Adopting a Schedule of Fees for the Recovery of Costs for Fire Protection, Hazardous Material Emergency Response, Rescue, and Emergency Medical First-Responders.

Submitted by: Brian Helmick, Fire Chief

RECOMMENDATION FOR ACTION

Recommend that the Board of Directors (Board):

1. introduce and waive the first reading of an Ordinance to adopt a schedule of fees reflecting the costs to the East Contra Costa Fire Protection District (District) of providing emergency medical first-responder, fire protection, hazardous material emergency response, and rescue services, and permitting recovery of those costs;
2. set a public hearing to consider the proposed Ordinance;
3. waive the second reading and adopt the proposed Ordinance; and
4. adopt a resolution revising the District's policies and procedures for waivers and appeals of emergency medical first-responder fees to include the new fees included in the proposed Ordinance.

PRIOR ACTION

On February 1, 2016, the Board adopted Ordinance No. 2016-01 establishing a schedule of fees for the recovery of emergency medical first-responder service costs and Resolution 2016-02 establishing a policy for waivers and appeals of emergency medical first-responder fees. Resolution 2016-02 further charged the Fire Chief with developing options for any other waivers, such as for hardship, for consideration by the Finance Committee and adoption by the Board.

On March 7, 2016, the Board adopted Resolution 2016-04 to define waivers "in the best interest of the District" to include fees determined by the Fire Chief, or a designee, to be non-collectible. Additionally, the resolution authorized the Fire Chief, or a designee, to directly bill any recipient of District-provided emergency medical first-responder services if the person does not provide medical insurance information or if the insurance carrier denies payment of the fee in its entirety. Third, the resolution authorized the Fire Chief, or a designee, to waive a fee if an invoiced individual demonstrates financial hardship or has died.

SUBJECT BACKGROUND

Under the Fire Protection District Law of 1987, a district may raise additional revenue pursuant to several alternative methods if it finds it does not have adequate revenue available to provide the services that it is empowered to provide including: 1) fire protection services, 2) rescue

services, 3) emergency medical services, 4) hazardous material emergency response services, 5) ambulance services, or 6) any other services relating to the protection of lives and property.

Among these methods, the District can charge a fee to recover the cost of any service it provides. Such fees may not exceed the costs reasonably borne by the District in providing the service for which the fee is charged. To impose a new fee, the Board must first adopt an ordinance establishing a schedule of fees that reflects the actual cost to the District of providing the covered services. Prior to adopting (or increasing) a fee, the Board must publish a notice of its intent to establish a schedule of fees in accordance with Government Code Section 6066. The notice must provide the time and place of the meeting, generally state the matter to be discussed, and include a statement that information related to the cost of services is available. At least 14 days before the meeting, the Board also must mail the notice to all interested parties who have filed a written request with the Board for a mailed notice of a meeting where such action would be taken (a meeting on new or increased fees). Ten days before the meeting, the Board must make public the data indicating the cost (or estimated amount) required to provide the service, related revenues and additional similar information. The cost of holding the meeting and administering the fee also may be recovered from the fees charged. At the meeting, the Board must hear and consider any objections or protests to the proposed schedule of fees.

The attached proposed ordinance establishes a schedule of fees for providing fire protection, hazardous material emergency response, and rescue services. The ordinance provides that the fees will be charged to individuals (both residents and non-residents) who receive such services from the District. The ordinance provides that the Fire Chief or his designee will send invoices to individuals who have received designated District-provided services and to their insurance companies, where applicable. Additionally, the ordinance requires the Fire Chief or his designee to apply the District's policy for waiver and discharge of certain fees. The ordinance has no effect on the provision of fire protection, hazardous material emergency response, and rescue services and is not a waiver of any other means of cost recovery available to the District by law.

The District may not use fees collected under the proposed ordinance for new construction or acquiring equipment. Administration of the fees consists of tasks including but not limited to: tracking the applicable services provided; identification of financially-responsible parties; calculation of total fees to be charged; invoicing and collecting payment; and processing of waiver requests, and appeals.

In addition, since the adoption of the District's emergency first-responder fee, the District's personnel costs have changed. As a result, staff has reviewed the District's existing emergency medical first-responder fee and proposes to adjust it to better reflect the cost of providing the service. As a result, the ordinance proposes to amend the District's existing emergency first-responder fee, adopted by the Board pursuant to Ordinance No. 2016-01.

If the committee recommends moving forward, staff anticipates the following schedule for Board consideration of the ordinance and associated resolution:

- May 17: Introduce and waive first reading of the ordinance; call for public hearing.
- By May 21: Publish the notice of intent to establish a schedule of fees. The notice must state the time and place of the meeting, a general explanation of the matter to be considered, and a statement that the data indicating the amount of the cost required to provide the service is available. Publication must be once a

week for two consecutive weeks, in a newspaper published once a week or more, with at least five days between each publication date.

By May 29: Publish a summary of the proposed ordinance and public availability of the proposed ordinance.

June 4: Waive second reading, hold public hearing and adopt ordinance; Amend policies and procedures for waiver of fees.

By June 18: Publish summary of Ordinance.

Once the District adopts the Ordinance, it will need to enter into a contract for collection of the new proposed fees. Staff anticipates presenting a recommendation to the Finance Committee in May on such contract.

Attachment: Ordinance
Resolution

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

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ORDINANCE NO. 2018-XX

**ADOPTING A SCHEDULE OF FEES FOR THE RECOVERY OF
FIRE PROTECTION, HAZARDOUS MATERIAL EMERGENCY RESPONSE, AND RESCUE SERVICE
COSTS AND TO AMEND THE SCHEDULE OF FEES FOR THE RECOVERY
EMERGENCY MEDICAL FIRST-RESPONDER SERVICE COSTS**

WHEREAS, the East Contra Costa Fire Protection District (District) has found that it does not have sufficient revenue to provide the services that it is charged with providing under the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800 *et seq.*); and

WHEREAS, the District is authorized under Health and Safety Code Section 13916 to recover its actual costs reasonably borne in providing its services; and

WHEREAS, the District provides fire protection, hazardous material emergency response, and rescue services to both residents living within the District and to non-residents working in, visiting or travelling through the District; and

WHEREAS, pursuant to Ordinance No. 2016-01, the District adopted a schedule of fees for the recovery of emergency medical first-responder service costs; and

WHEREAS, the District has reviewed its existing fee schedule for emergency first-responder medical services and wishes to update that schedule to reflect the changing cost of labor and the cost of wear and tear on equipment and to adopt additional fees; and

WHEREAS, the District has made a reasonable calculation of the costs it bears in providing emergency medical first-responder, fire protection, hazardous material emergency response, and rescue services; and

WHEREAS, fees established by this ordinance are calculated based on recovering no more than the District's actual costs of providing emergency medical first-responder, fire protection, hazardous material emergency response, and rescue services to each person at an incident for which such services are performed by the District.

NOW, THEREFORE, the Board of Directors of the East Contra Costa Fire Protection District hereby ordains as follows:

SECTION 1. STATUTORY AUTHORITY

This ordinance is enacted pursuant to California Health and Safety Code Sections 13910 through 13919.

SECTION 2. APPLICABILITY

This ordinance establishes the cost-recovery fees charged by the District in accordance with Health and Safety Code Section 13916. By adopting this ordinance, the District is enacting user fees to recover the actual costs associated with providing emergency medical first-responder, fire protection, hazardous material emergency response and rescue services as defined in Section 3.

SECTION 3. DEFINITIONS

- (a) "District" means the East Contra Costa Fire Protection District.
- (b) "Emergency medical first-responder services" means care provided by District personnel at an incident including, but not limited to, oxygen therapy, injury and wound management, patient packaging, operation of an automated external defibrillator, and administration of drugs.
- (c) "Fire protection services" means services provided by the District to suppress or otherwise respond to a fire or threat of fire including, but not limited to structure protection, fire investigation, scene safety, and illegal fire response and containment.
- (d) "Hazardous material emergency response services" means services provided by the District in response to a spill of hazardous material including, but not limited to, perimeter establishment, evacuations, Level A or B suit donning, breathing air and detection equipment, robot deployment, set-up and removal of a decontamination center, detection equipment, recovery and identification of material, disposal and environment clean up.
- (e) "Rescue services" means services provided by the District in response to a motor vehicle accident, water incident, or back country or other special rescue.

SECTION 4. FIRE PROTECTION, HAZARDOUS MATERIAL EMERGENCY RESPONSE, AND RESCUE FEES

- (a) Fire protection, hazardous material emergency response and rescue fees to recover the actual and reasonable costs borne by the District in providing such services to each person are established in the amount specified in Exhibit A, attached hereto and incorporated herein.
- (b) The fire protection, hazardous material emergency response and/or rescue fees shall be charged to each person who receives such District provided services during a single incident.

SECTION 5. EMERGENCY MEDICAL FIRST-RESPONDER FEE

Pursuant to section 4(c) of District Ordinance No. 2016-01, the Board may adjust the amount of the emergency medical first-responder fee specified in Exhibit A. In so acting the Board repeals Exhibit A from Ordinance No. 2016-01 and revises it as set forth in Exhibit A of this Ordinance No. 2018- XX, as it may be amended from time to time.

SECTION 6. FEE COLLECTION

- (a) If the District provides fire protection, hazardous material emergency response and/or rescue services to a person, the Fire Chief, or designee, will send an invoice seeking payment of the appropriate fee(s) to the person who received the service and to the insurance company that provides insurance coverage for the person (the “insurer”), if the person, or his or her representative, has identified to the District the insurer to which the invoice should be sent.
- (b) The Fire Chief, or designee, will apply the District's policies and procedures for invoicing, billing, and receiving payments for each fee charged under this ordinance, including the process to discharge from accountability accounts that are not collectible as set forth in Resolution No. 2018-XX.

SECTION 7. ADMINISTRATION OF THE FEES

The Fire Chief, or designee, may delegate all or some of the tasks required for the administration of the fees to any other public agency in Contra Costa County. Administration of the fees will consist of tasks including, but not limited to, tracking of applicable services provided by the District, identification of financially-responsible parties, calculation of total fees to be charged, invoicing and payment collection, and the processing of waiver requests and appeals.

SECTION 8. NO EFFECT ON FIRE PROTECTION, HAZARDOUS MATERIAL EMERGENCY RESPONSE OR RESCUE SERVICES

This ordinance neither expands nor limits fire protection, hazardous material emergency response and/or rescue services. Nothing in this ordinance relieves the District from providing such services. Emergency medical first-responder, fire protection, hazardous material emergency response and/or rescue services will continue to be provided without regard to whether a person is insured by an insurer, without regard to whether a person has the ability to pay the fee(s), and without regard to whether a person has or has not paid the fee(s) in the past.

SECTION 9. NO WAIVER OF OTHER MEANS OF COST RECOVERY

This ordinance does not preclude the District from recovering its emergency response costs in any other manner authorized by law.

SECTION 10. SEVERABILITY

If any fee or provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining fees or provisions, and the Board declares that it would have adopted each remaining part of this ordinance irrespective of any such invalidity.

SECTION 11. EFFECTIVE DATE

This ordinance becomes effective 30 days after passage. Within 15 days after passage, this Ordinance or a summary of the Ordinance shall be published, with the names of Directors voting

for and against it, once in the Brentwood Press, a newspaper published in this District.

INTRODUCED at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the ____ day of _____, 2018.

PASSED AND ADOPTED at a regular meeting of the East Contra Costa Fire Protection District Board of Directors held on the ____ day of _____, 2018 by the following roll call vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Brian J. Oftedal
President, Board of Directors

ATTEST:

Brian Helmick, Clerk of the Board

EXHIBIT A

EAST CONTRA COSTA FIRE PROTECTION DISTRICT FEE SCHEDULE

**Emergency Medical First-Responder, Fire Protection, Hazardous Material Emergency Response,
and Rescue Fees**

Emergency Medical First Responder

Total Half-Hourly Rate

Personnel Costs

Captain:	\$79.16
Engineer:	\$72.54
Sr. Firefighter:	\$64.17

Equipment Costs

Engine	\$47.50
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Administrative Rate

10%

Emergency Medical First-Responder Fee \$289.07 for the first half hour and \$263.37 for each half-hour thereafter.

Motor Vehicle Incidents

Level 1 - \$487.00 per hour

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the District responds to an accident/incident.

Level 2 - \$554.00 per hour

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. The District will bill at this level if it 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 per hour

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.

ADDITIONAL TIME ON-SCENE (includes personnel)

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336 per hour.

Hazardous Materials ("HAZMAT") Emergency Response

Level 1 - \$784.00 per hour

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

Level 2 - \$2,800.00 per hour

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 a decontamination center.

Level 3 – \$6,608.00 per 3 hours

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 a decontamination 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 at \$336.00 per HAZMAT team.

ADDITIONAL TIME ON-SCENE (includes personnel)

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336 per hour.

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

Fires

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

Includes:

- Scene Safety
- Investigation
- Fire/Hazard Control

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 the District's 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 District's response at a cost not to exceed the actual expenses incurred by the District 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 District 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 District. 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

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 District responds to a water incident.

Billed at \$448 per hour plus \$56 per hour, per rescue person.

Level 2

Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. The District will bill at this level if it has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$896 per hour plus \$56 per hour, per rescue person.

Level 3

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 a decontamination 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 per hour plus \$56 per hour per rescue person, plus \$112 per hour per HAZMAT team member.

Back Country or Special Rescue

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 per hour 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 - \$280 per hour.

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Miscellaneous/Additional Time on Scene (includes personnel)

Engine billed at \$448 per hour.

Truck billed at \$560 per hour.

Miscellaneous equipment billed at \$336 per hour.

Add-on Services

The following costs will be added to any incident rate, as appropriate.

Extrication - \$1,461.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the District frees/removes a person from the vehicle(s) using any equipment. The District will not bill for this service if the patient is simply unconscious and the District is able to open the door to access the patient.

Creating a Landing Zone - \$448.00

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

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

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RESOLUTION 2018-XX

**REPEALING AND REPLACING THE POLICY FOR WAIVERS AND APPEALS OF
FEES AND AUTHORIZING WAIVERS OF FEES**

WHEREAS, the East Contra Costa Fire Protection District (District) has found that it does not have sufficient revenue to provide the services that it is charged with providing under the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800 *et seq.*); and

WHEREAS, the District is authorized under Health and Safety Code Section 13916 to recover its actual costs reasonably borne in providing its services; and

WHEREAS, the District provides services to both residents living within the District and to non-residents working in, visiting or travelling through the District; and

WHEREAS, the District established fees for the recovery of emergency medical first-responder, fire protection, hazardous material emergency response, and rescue service costs; and

WHEREAS, pursuant to Resolutions 2016-02 and 2016-04, the District established a policy for waivers and appeals of emergency medical first-responder fees and it established a definition for waivers "in the best interest of the District," authorized the Fire Chief to bill individuals directly and to waive fees based on a demonstration of financial hardship or death; and

WHEREAS, the District desires to expand its policy for waiver and appeals of emergency medical first-responder fees and its authorization of waivers of emergency medical first-responder fees to include fire protection, hazardous material emergency response, and rescue service fees; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the East Contra Costa Fire Protection District does hereby:

1. Repeal Resolution 2016-02 and Resolution 2016-04 in their entirety;
2. Authorize the Fire Chief, or a designee, to waive any fee charged by the District when the Fire Chief, or designee, determines it is in the best interest of the District to do so;
3. For any fee charged by the District, authorize the Fire Chief, or a designee, to accept the actual amount of payments from insurance carriers, and to waive any difference between the invoiced fees and the amounts paid by the insurance carriers;
4. For purposes of waivers under this Resolution 2018-XX, defines "in the best interest of the District" to include, but not be limited to, when the Fire Chief, or a designee, determines that a charged fee is non-collectible;

5. Authorizes the Fire Chief, or a designee, to bill a fee directly to any individual who receives services for which the District has authorized the imposition of a fee if either (a) the individual does not provide with District with insurance information, or (b) the individual's insurance carrier denies payment of the fee;
6. Authorizes the Fire Chief, or a designee, to grant a waiver of a fee for financial hardship when an individual so requests and provides documentation that the Fire Chief, or designee, determines adequately supports the waiver request; and
7. Authorizes the Fire Chief, or a designee, to waive a fee if the individual who received the District-provided services has died.
8. Authorize the Fire Chief to delegate the administration of the waiver and appeals policies and process authorized herein to any other public agency in Contra Costa County pursuant to Section 6 of Ordinance 2016-01 and Section 7 of Ordinance 2018-XX.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the ____ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Brian J. Oftedal
President, Board of Directors

ATTEST:

Brian Helmick, Clerk of the Board