

## ORDINANCE NO. 30

### AN ORDINANCE OF THE SAN RAMON VALLEY FIRE PROTECTION DISTRICT ESTABLISHING A FIRST RESPONDER ASSESSMENT WITHOUT TRANSPORT FEE, MODIFYING AMBULANCE TRANSPORT FEES AND REPEALING EXISTING AMBULANCE TRANSPORT FEES CONTAINED WITHIN ORDINANCE NO. 28

**WHEREAS**, the costs of providing fire protection and life safety services as authorized by provisions of the Fire Protection District Law of 1987 (Health & Safety Code Section 13800 *et seq.*, the "Act") continues to increase; and,

**WHEREAS**, the San Ramon Valley Fire Protection District ("District") is funded by taxes levied on real property located within the geographic boundaries of the District; and,

**WHEREAS**, numerous services offered by the District directly benefit specific members of the general public for which fees may properly be imposed; and,

**WHEREAS**, pursuant to Health and Safety Code Section 13916 (b), and Government Code Section 6066, the District has given notice of its intent to establish and impose such Fees/Charges as may be adopted by this Ordinance; and,

**WHEREAS**, Health and Safety Code Sections 13916 - 13919 provide that the schedule of fees established by this Ordinance may be authorized pursuant to such sections; and,

**NOW THEREFORE BE IT ORDAINED THAT** the Board of Directors ("Board") of the District declares as follows:

#### **SECTION 1.            Authorization and Purpose**

This Ordinance is adopted pursuant to Health and Safety Code Section 13916 *et seq.*, a portion of the Act. The purpose of the Ordinance is to recover District costs of providing emergency medical services, including but not limited to first responder services for individual assessments that result in ambulance transport and individual assessments that do not result in ambulance transport. This Ordinance shall be interpreted in a manner consistent with the Act and applicable law. The fees imposed by this Ordinance are for the purpose of recovering the cost of certain District operating expenses, including not limited to employee wage rate and benefits, medical supplies, ambulance costs and the contracting of services with specialized firms or individuals, which are reasonably related to the actual and on-going expenses incurred by the District for the services and expenses described in this Section.

#### **SECTION 2.            Applicability**

This Ordinance sets forth the fees and the amount to be charged by the District, as permitted by Health and Safety Code Section 13916. As authorized by Health and Safety Code Section 13918, public agencies that are not covered by a mutual aid agreement shall be charged the authorized fee, unless waived by the District pursuant to Ordinance Section 3.

By adopting this Ordinance, the District is enacting user fees to defray costs associated with emergency medical services and described within as a First Responder Assessment Without Transport Fee and an Ambulance Transport Fee as permitted by this Ordinance.

**SECTION 3.           Waiver of Fees**

As permitted by Health and Safety Code Section 13919, the District Board may waive charges/fees established by this Ordinance and may delegate its authority to the Fire Chief or his/her designee to determine that charges/fees would not be in the public interest, as in cases where there are reciprocal services provided by other public agencies, employee welfare, or personal hardship.

**SECTION 4.           Specified Fee**

Unless waived pursuant to Ordinance Section 3, every public agency and/or party involved shall pay a specified fee pursuant to this Ordinance. The fee for services shall be set by the District Board and shall not exceed the reasonable amount necessary to recover the costs of providing the specified service as allowed by law. The specified fee for service may be modified pursuant to Health and Safety Code Section 13917.

**SECTION 5.           No Waiver of Other Means of Cost Recovery**

This Ordinance does not preclude the District from pursuing any additional means of cost recovery, including, but not limited to, actions pursuant to Health and Safety Code Section 13009 (for negligent actions which cause the use of services or facilities of the District) and actions against parties whose willful, grossly negligent, or criminal conduct causes the use of District services or facilities.

**SECTION 6.           Repeal of Conflicting Ordinance Subsection**

District Ordinance No. 28, Part 4, "Ambulance Transport Fees" shall be repealed in concurrence with the effective date of this Ordinance and all other portions of Ordinance No. 28 shall remain in full force and effect.

**SECTION 7.           Schedule of Fees**

Fees for services related to Ambulance Transport and First Responder Assessment Without Transport shall be charged as set forth in Section 7.

Part 1 Ambulance Transport Fees - Bundle Rates

Fees for services related to Ambulance Transport shall be charged as set forth in Table 1-A.

Table 1-A	
BUNDLED RATES FOR:	FEE
BLS	\$1034
ALS 1	\$1461
ALS 2	\$1548
Oxygen	\$103
Mileage	\$28.80 per mile

Part 2 First Responder Assessment Without Transport Fee  
 Fees for services related to the First Responder Assessment Without Transport Fee shall be charged at \$450 per individual assessment.

Part 3 Fee Modification  
 These fees may be increased in the future by District resolution consistent with applicable law, including but not limited to annual adjustments each July 1 based on the annual change in the Consumer Price Index (CPI) Urban Wage Earners, San Francisco-Oakland-San Jose, CA region, measured as of February of each year.

**SECTION 8. CEQA Compliance**

The increase of Ambulance Transport Fees and establishment of First Responder Assessment Without Transport Fees are not subject to review under the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”) because the District’s approval of the Fees is an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment (14 CCR 15061(b)(3)). The Fees in and of themselves do not have a significant effect on the environment and therefore, are not subject to CEQA.

**SECTION 9. Severability**

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining provisions of this Ordinance. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this Ordinance regardless of the unconstitutionality or invalidity of any other section, subsection, subdivision, paragraph, sentence, clause, phrase or word herein.

**SECTION 10.      Effective Date**

This Ordinance shall take effect and be in full force on January 1, 2014, but no earlier than 30 days after its final passage and adoption.

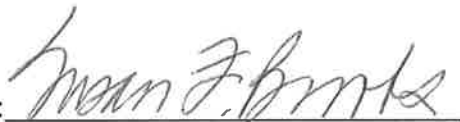
**Passed and Adopted on** Nov. 21, 2013, by the following Vote:


AYES:            Directors Dakin, Kerr, Price and Board President Stamey

NOES:           Director Umont


ABSENT:        None

ABSTAIN:       None

ATTEST:   
Susan F. Brooks  
District Clerk

  
Matthew J. Stamey, President  
Board of Directors

APPROVED AS TO FORM:

  
William D. Ross, District Counsel