

**RESOLUTION NO. 2023-10**

**A RESOLUTION** authorizing the establishment and implementation of a hazardous materials incident cost recovery program pursuant to RCW 4.24.314.

**WHEREAS**, RCW 4.24.314 authorizes a municipal fire department to recover extraordinary costs incurred by the municipal fire department in the course of protecting the public from actual or threatened harm resulting from a hazardous materials incident, as defined in RCW 70.136.020; and

**WHEREAS**, “Extraordinary costs” means those reasonable and necessary costs incurred by the City of Hoquiam in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services, and public works, including, but not limited to: overtime for public employees, unusual fuel requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment or services required to protect the public during the hazardous materials incident; and

**WHEREAS**, The City of Cosmopolis has determined that motor vehicle accidents often involve spillage or leakage of liquids such as oil, battery acid, fuel, antifreeze, brake fluid, transmission fluid, and other petroleum based products and substances which constitute hazardous materials, **NOW THEREFORE**,

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COSMOPOLIS, WASHINGTON, IN REGULAR MEETING DULY ASSEMBLED, AS FOLLOWS:**

**SECTION 1.** The City of Cosmopolis hereby authorizes the Cosmopolis Fire Department to establish and implement a hazardous materials incident cost recovery program pursuant to RCW 4.24.314, to recover extraordinary costs associated with motor vehicle accidents (MVA) and other hazardous materials incidents, including those caused by any person transporting hazardous materials who is responsible for causing a hazardous materials incident, as defined by RCW 70.136.020, other than the operating employees of a transportation company.

**SECTION 2.** The City of Cosmopolis hereby authorizes the Mayor to enter into and execute a Cost Recovery Agreement with EF Recovery (EFR), a company that specializes in assisting municipal fire departments and fire districts in the collection of fees and recovery of extraordinary costs associated with MVA’s and other hazardous materials incidents pursuant to RCW 4.24.314.

**ADOPTED** by the Mayor and City Council on August 16, 2023

---

KYLE PAULEY – Mayor

**ATTEST:**

---

JULIE POPE – Finance Director