

RESOLUTION 2024 – R7
BY THE GOVERNING BODY RECIPIENT

WHEREAS, the Town of Swansboro Board of Commissioners wishes to amend Resolution 2024-R6, adopted on April 23, 2024, to remove exemption of applicable mitigation rates to those residing in, Onslow County, and contributing to, or having ad valorem levied on such property within its boundaries.

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department 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 fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergencies, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions and

WHEREAS, the Town of Swansboro Board of Commissioners desire to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system per applicable laws, regulations, and guidelines; Now, Therefore

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF SWANSBORO:

The Swansboro Fire Department shall initiate 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 shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in "EXHIBIT A", which may include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

A claim shall be filed to the responsible party(s) through their insurance carrier. Except those residing in the Incorporated Limits of the Town of Swansboro and contribute to or have ad valorem taxes levied against real property in the responsible party(s) name.

The Swansboro Board of Commissioners may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

It is found and determined that all formal actions of this Board of Commissioners concerning and relating to the adoption of this Ordinance 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 followed all legal requirements and the Codified Ordinances of the Board of Commissioners.

This Resolution, "Exhibit A," and the associated Unified Development Ordinance 34.04 shall take effect thirty (30) days from the date of adoption as permitted by law.

The Mitigation Rates listed in Exhibit A will increase annually based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.

Adopted this 14th day of May 2024.

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk

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 may be itemized and based on the actual services provided.

These rates are based on actual costs using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance). Labor rates include an average department’s actual burdened labor costs, not just a firefighter’s wage. These include wages, retirement, benefits, workers comp, etc.

MOTOR VEHICLE INCIDENTS

Level 1 - \$602.00

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 - \$687.00

This includes Level 1 services, clean up, and materials (sorbents) used 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 spilled due to the accident/incident.

Level 3 – CAR FIRE - \$838.00

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 spilled due to the accident/incident.

ADD-ON SERVICES:

Extrication - \$1,811.00

This 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 the 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 - \$553.00

This includes air care (multi-engine company response, mutual aid, helicopter). We will bill at this level whenever a helicopter landing zone is created and/or is utilized to transport the patient(s).

Itemized Response: You can bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and three reasonable (UCR). These incidents will be billed, itemized per apparatus, personnel, and products and equipment used.

HAZMAT

Level 1 - \$972.00

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

Level 2 - \$3,473.00

Intermediate Response: The 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 – \$8,199.00

Advanced Response: The claim will include engine response, first responder assignment, hazmat-certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up command, Level A or B suit donning, breathing air and detection equipment, and robot deployment. Set up and remove of decon center, detection equipment, recovery, and material identification. Disposal and environment clean up. This includes any disposal rates of material, contaminated equipment, and material used at the scene. Includes 3 hours of on-scene time - **each additional hour @ \$381.00 per HAZMAT team.**

FIRES

Assignment - \$554.00 per hour per engine / \$693.00 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 can bill each fire as an independent event with custom mitigation rates. Itemized, per person, at various pay levels, and for itemized product use.

ILLEGAL FIRES

Assignment - \$554.00 per hour per engine / \$693.00 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 response cost.

WATER INCIDENTS

Level 1

Basic Response: The 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 and 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 \$554 plus \$68 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 \$1,110 plus \$68 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 \$2,747 plus \$68 per hour per rescue person, plus \$134 per hour per HAZMAT team member.

Level 4

Itemized Response: You can 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.

The minimum bill is \$554 plus \$68 per hour per rescue person. Additional rates of \$554 per hour per response vehicle and \$68 per hour per rescue person.

CHIEF RESPONSE

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

Billed at \$347 per hour.

MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

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

Engine billed at \$554 per hour.

Truck billed at \$693 per hour.

Miscellaneous equipment billed at \$416.

MITIGATION RATE NOTES

The mitigation rates above are average “billing levels” for one hour of service and are typical for the incident responses listed, however, when a claim is submitted, it may 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 wages, retirement, benefits, workers comp, insurance, etc.