



City of Grand Island

Tuesday, November 28, 2017

Council Session

Item F-5

#9671 - Consideration of Amending Chapter 16 of the Grand Island City Code Regarding Collision Response Fee

Staff Contact: Cory Schmidt, Fire Chief

Council Agenda Memo

From: Fire Chief, Cory Schmidt

Meeting: November 28, 2017

Subject: Collision Response Ordinance

Presenter(s): Fire Chief, Cory Schmidt

Background

As part of the budget talks for FY 2017-18, all departments were asked to investigate potential revenue options. The Grand Island Fire Department (GIFD) brought forward several ideas in an attempt to help the City address some of the financial challenges it is facing. One of the options was a collision response fee.

Discussion

During the last year, GIFD responded to 343 motor vehicle collisions. Despite the high number of collision responses, the fire department doesn't currently charge a fee for a fire engine or heavy rescue response. Some vehicle insurance policies cover fire department fees that occur as a result of a motor vehicle collision. The fire department hopes to recover some of the costs associated with their response by charging a collision response fee to all drivers involved in an incident. The proposed fees were included in the fee scheduled presented to Council at the budget meeting on August 15, 2017. The fees were \$500 per hour for an engine company response and an additional \$250 per hour for a heavy rescue response. It is recommended to fee in ¼ hour increments. Council approval is needed for the ordinance related to the collision response fee. The proposed ordinance would be included in Chapter 16 of the City Code.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the ordinance related to the collision response fee in the amount of \$500 per hour for a fire engine response and \$250 per hour for a heavy rescue response (billed in ¼ hour increments).

Sample Motion

Move to approve the collision response ordinance proposed by the GIFD in the amount of \$500 per hour for an engine company response and \$250 per hour for heavy rescue response charged to each driver involved in the collision.

Fire Department Motor Vehicle Collision Response Fee

Motor Vehicle Collision (MVC)

- GIFD responds to MVCs when someone is hurt, trapped, or a hazardous condition exists.
- Typical response is an ambulance, engine, and shift commander.
- If occupants are trapped, an additional heavy rescue unit is dispatched.

MVC

- 🇺🇸 In the last year, GIFD responded to 343 MVCs
- 🇺🇸 103 involved out of city occupant (30 percent)
- 🇺🇸 78 involved out of county occupant (23 percent)

Proposed Ordinance

- Similar to one passed by Fremont
- Fee all involved drivers
- Rates based on hourly costs associated with apparatus
- Billed in quarter hour increments

Estimated Revenue

- 🚒 In 2016, Fremont Fire Department responded to 140 MVCs and collected \$29,730.98.
- 🚒 GIFD responded to 343 = \$72,841.
- 🚒 McKesson will perform billing services

ORDINANCE NO. 9671

An ordinance to amend Chapter 16 of the City Code of the City of Grand Island; to add new Article VIII sections 16-33 to 16-~~394~~2; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Grand Island City Code Chapter 16 is hereby amended by adding the following:

ARTICLE VIII

Recovery of Costs

§16-33. Recovery of Costs. The City of Grand Island Fire Department is hereby authorized to recover an hourly fee for responding to vehicular accidents.

§16-34. Rates. A rate schedule for responding to vehicular accidents shall be set annually by the City's Fee Schedule Ordinance and may be updated from time to time upon recommendation of the Grand Island Fire Chief. The hourly rate shall be billed in 15-minute increments.

§16-35. Collection. The fee set by the City's Fee Schedule Ordinance may be recovered from any identified insurance carrier or person or persons, directly by the City or by an attorney, or through a third-party billing service acting as a contracted authorized agent for the collection of such costs. In addition to the reasonable costs as set forth in the above-mentioned rate schedule, the City, attorney, or the third-party billing service shall hereby be authorized to

Approved as to Form November 22, 2017	✕ _____ ✕ City Attorney
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collect, in addition to the reasonable costs, reasonable interest, legal, and any other collection fees associated with collecting the said costs and fees as permitted by statute. Insured motorists will not be billed for fees in excess of the amount paid by the insured motorist's insurance carrier.

§16-36. Non-payment. In the event that any insurance carrier or person or persons should fail to pay any bill or invoice within 30 days of the mailing or delivery of such notice of charges, the City, attorney or the third-party billing agency who mailed or delivered the bill or invoice may enforce the provisions of this chapter by turning over to a third-party collection agency or, if deemed appropriate, may be enforced by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the City, together with statutory interest, court costs, collection fees and associated reasonable attorneys' fees if permitted by law.

The City shall not be obligated to pursue collection efforts against any insurance company or person in the event that the City reasonably determines that collection efforts will not be successful or that the costs of collections will exceed the amount due hereunder.

§16-37. No Refusal. Emergency services not to be refused for lack of insurance or ability to pay. Nothing in this chapter shall authorize any City department or City staff member or department personnel to refuse or delay any rescue service to any person, firm, organization or corporation, due to the lack of insurance coverage or ability to pay for said rescue services.

§16-38. Severability. The provisions of this chapter are severable. If any part of this chapter is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Grand

Island that this chapter would have been adopted had such unconstitutional, illegal or invalid part not been included.

§16-39. Effective Date. Sections 16-33 through 16-39 shall be effective from and after January 1, 2018.

§ 16-40. [Reserved]

§ 16-41. [Reserved]

§ 16-42. [Reserved]

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within fifteen days as provided by law.

Enacted: December November 28, 2017.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk