## ORDINANCE NO. 1506

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA TO AMEND CHAPTER 9 OF THE WOODLAND MUNICIPAL CODE TO AUTHORIZE THE ESTABLISHMENT OF FEES FOR EMERGENCY SERVICES

WHEREAS, the City of Woodland operates a first-class Fire Department, which provides timely and efficient emergency services to Woodland's residents and visitors;

WHEREAS, the Fire Department responds to a high volume of calls for service, including calls at the sites of motor vehicle accidents, structure fires, hazardous materials spills, and other incidents, and the volume of these calls will continue to increase as Woodland grows;

WHEREAS, the Fire Department and the City in general are operating under significant budgetary limitations as a result of California's ongoing public fiscal crisis;

**WHEREAS**, the high volume of calls responded to by the Fire Department represents a significant drain on the finances of both the Fire Department and the City, and could jeopardize the City's ability to continue to operate a first-class Fire Department;

WHEREAS, operation of a first-class Fire Department, with modern equipment and sufficient numbers of trained professional personnel, is essential for the protection of the health, safety, and welfare of Woodland's residents and visitors; and

WHEREAS, the City Council has determined that recovery of certain costs incurred in responding to calls for Fire Department services is essential for the continued operation of the Fire Department as a modern, professional, and first-class public safety operation, which ultimately reduces the costs incurred by motorists, property owners, members of the general public, and their insurers, by minimizing personal injury and property damage through fast and capable responses to accident, fire, spill, and other incidents; and

WHEREAS, in recognition of the foregoing, the City Council wishes to provide for the establishment of user fees to be charged to drivers involved in motor vehicle accidents, owners of properties involved in structure fires, persons responsible for hazardous materials spills, and all other persons responsible for incidents requiring a response by Fire Department personnel, not to exceed the City's actual costs of providing such responses; and

WHEREAS, pursuant to Government Code section 66018, a duly noticed public hearing has been held concerning the establishment of fees as described in this ordinance, during which all persons present have had an opportunity to be heard concerning the proposed fees, notice of which was published pursuant to Government Code section 6062a; and

WHEREAS, City staff have recommended contracting with Fire Recovery USA for the billing and collection of fees for emergency services, as authorized by this ordinance; and

WHEREAS, the City Council wishes to authorize the execution of a contract with Fire

Recovery USA for the billing and collection of emergency services fees, and wishes to establish fees for emergency services as set forth in the contract; and

WHEREAS, the City's existing budget shortfall and the likelihood of future reductions in revenues make it imperative that the City take immediate steps to generate additional revenue to fund emergency services and other services, in order to ensure the preservation of the public peace, health, and safety; and

**WHEREAS**, the adoption of this ordinance requires re-titling Chapter 9 of the Woodland Municipal Code to more accurately reflect the contents of the chapter;

## NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES ORDAIN AS FOLLOWS:

**Section 1. Urgency Findings.** The City Council of the City of Woodland hereby adopts the foregoing recitals as its findings that the adoption of this urgency ordinance is necessary to promote the immediate preservation of the public peace, health and safety, by generating revenue to offset the cost of providing emergency services. The City Council hereby adopts, by no less than a four-fifths vote, this urgency ordinance based upon the foregoing findings and pursuant to Government Code Section 36937.

**Section 2.** New sections 9-12 and 9-13 are hereby added to Chapter 9 of the Woodland Municipal Code, to read as follows:

## "9-12 Authorization for User Fees.

The City may establish and impose user fees for services provided by the Woodland Fire Department in responding to the scene of any incident, including but not limited to motor vehicle accidents, structure fires, and hazardous materials spills. The fees shall vary based on the type and amount of services provided, and shall take into account the cost of personnel, supplies, and equipment present or used at the scene. The fees shall be reasonable and shall not exceed the City's actual costs of providing services to any accident for which fees are imposed.

## 9-13 Collection and Use of User Fees.

Applicable fees established pursuant to Section 9-12 shall be billed to the insurance carrier providing automobile insurance coverage for each driver in an accident for which services are rendered, and may be billed to the insurance carrier providing insurance coverage for any real property involved in a fire or providing other insurance coverage which may cover an incident in connection with which the Woodland Fire Department provides services. The City may contract with a third-party service provider for the billing and/or collection of such fees. All revenue collected from such fees shall be placed in the City's General Fund and may be used for any lawful purpose.

**Section 3.** Chapter 9 of the Woodland Municipal Code is hereby re-titled "Fire Prevention and Emergency Services".

**Section 4.** The City Manager is hereby authorized and directed to execute, on behalf of the City, the agreement attached hereto as Exhibit "A", and the schedule of fees for emergency services set forth therein as Schedule "A" is hereby adopted. The City Council may approve amendments to this schedule of fees by resolution.

Section 5. <u>CEQA</u>. Adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b) (3) of the CEQA Guidelines (14 CCR 15061(b) (3)). CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It is therefore found and declared that the adoption of this Ordinance will not have a significant effect on the environment, as the user fees established herein will have only financial effects.

**Section 6.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 7. <u>Effective Date and Publication</u>. This Ordinance shall be published as required by law and shall take immediate effect upon its passage by 4/5 vote of the City Council.

PASSED AND ADO	PTED this 2nd	_day ofJune	, 200	09 by the follo	owing vote:
AYES: NOES: ABSENT:	Council Members None None	Dote, Marble,	Monroe,	Pimentely,	Davies
ABSTAIN:	None	Marlin H. Davi Mayor	es C	hru	
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Sue Vannucci City Clerk		APPROVED A	AS TO FO	DRM:	
		Andrew J. Mor City Attorney	Monis	0	AND ADDRESS OF THE PARTY OF THE