

Article V. Mitigation Rates – for Emergency and Non-Emergency Services

Sec. 46.130. Purpose. The League City Fire Department provides emergency and non-emergency services in connection with motor vehicle incidents and other emergency incidents. The emergency and non-emergency services response activity to incidents continues to increase each year, while environmental protection requirements involving equipment and training also create additional demands on all operational aspects of the League City Fire Department services. The City desires to implement a fair and equitable procedure by which to bill for mitigation rates and establish a collection system in accordance with applicable laws, regulations, and guidelines.

Sec. 46.131. Rates adopted. The hourly mitigation rates for emergency and non-emergency services shall be approved by the City Council via resolution.

Sec. 46.132. Rules, regulations, and guidelines. The City Manager, or his/her designee, is authorized to make rules, regulations, and guidelines consistent with this Article, as he/she may deem necessary with respect to billing for the mitigation rates or the collection thereof. The City Manager, or his/her designee, may from time to time amend, revoke, or add rules, regulations, and guidelines consistent with this Article.

Sec. 46.133. Procedure.

(a) Billing for mitigation rates. The City, or its designee, shall bill hourly mitigation rates for the delivery of the following categories of services by the League City Fire Department to the scene of emergency and non-emergency incidents:

- (1) Motor Vehicle Accident ~~Responses~~ Service
- (2) Extrication Service ~~Responses~~
- (3) Vehicle Fire ~~Responses~~ Service
- (4) Aircraft Accident ~~Responses~~ Service
- (5) Helicopter Landing Zone Preparation Service
- (6) Technical Rescue ~~Incidents~~ Service
- (7) Gas Leaks Service
- (8) Hazardous Material ~~Cleanup/Containment Responses~~ Service
- (9) Water Incident ~~Responses~~ Service
- (10) Back Country or Special Rescues Service
- (11) Fire Investigation Services
- (12) Resident Structure Fire ~~Responses~~ Service
- (13) Commercial Structure Fire ~~Responses~~ Service
- (14) Elevator Response Service
- (15) Fire Chief Response Service
- ~~(13)~~(16) Specialized Equipment or Materials

(b) Collection of mitigation rates. ~~The City, or its designee, shall establish a collection system in which a claim shall be filed to the responsible party or parties through their insurance carrier in accordance with applicable laws, regulations, and guidelines. In some circumstances, the responsible party(ies) will be billed directly.~~

(1) Claimed filed with Insurance Carrier. The City, or its designee, shall establish a collection system in which a claim shall be filed with the insurance carrier of the responsible party(ies) in accordance with applicable laws, regulations, and guidelines.

(2) Balance Billing. Except for situations involving reckless, knowing, or intentional behavior/activities, as those terms are defined in Texas Penal Code Section 6.03, after a claim is submitted to an insurance carrier, the City will not balance bill the following persons:

1. League City residents; or
2. residents of a district or area that the city has an interlocal or mutual aid agreement to provide emergency or non-emergency services by the city fire department and the scene of the emergency or non-emergency is outside the city and within the area covered by the interlocal or mutual aid agreement that does not charge League City residents for services.

(3) Reckless, Knowing or Intentional Behavior/Activities. For situations in which it is the City's sole determination that there is reckless, knowing, or intentional behavior, the City shall balance bill the responsible party(ies) for any outstanding amounts owed to the City unless waived by the City Manager for residents.

(4) No insurance Carrier. If the responsible party(ies) does not have any insurance, the City shall bill the responsible party(ies) directly unless waived by the City Manager for residents.

(c) Itemized response. Custom mitigation rates may be billed for any independent event, at the request of the Fire Chief of the League City Fire Department or his designee. Such incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used, at rates deemed usual, customary, and reasonable ("UCR").