

ORDINANCE NO. 2024-08

AN ORDINANCE CREATING ARTICLE V, ENTITLED “MITIGATION RATES - FOR EMERGENCY AND NON-EMERGENCY SERVICES” OF CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED, "FIRE PROTECTION AND PREVENTION” TO AUTHORIZE MITIGATION RATES FOR FIRE DEPARTMENT SERVICES, PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, it is the intent of the City Council of the City of League City, Texas (“City Council”), to protect the public health, safety, and welfare; and

WHEREAS, the League City Fire Department (“Department”) provides emergency and non-emergency services in connection with motor vehicle incidents and other emergency incidents; and

WHEREAS, 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 Department services; and

WHEREAS, the City of League City, Texas (“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; and

WHEREAS, the Department recommends amending the League City City Code for the purpose of adding authorization for a schedule of mitigation rates for fire department services; and

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, pursuant to Article X, Section 1 of the League City Charter, the City has the authority to make and enforce local police, health, and sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government, safety, and welfare of the City; and

WHEREAS, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.004, as amended, a home-rule municipality may enforce ordinances necessary to

protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, upon full review and consideration of all matters attendant and related thereto, the City Council is of the opinion this ordinance should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

Section 2. That the Code of Ordinances is hereby amended to create Article V, entitled “Mitigation Rates - for Emergency and Non-Emergency Services” of Chapter 46, entitled “Fire Protection and Prevention” of the League City Code of Ordinances to read as follows (additions, deletions):

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

(b) Collection of mitigation rates.

(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 incidents involving for League City residents (not businesses or corporate entities).

(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 incidents involving League City residents (not businesses or corporate entities).

(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”).

Section 3. Revenue Fund. The City shall deposit all revenue for fire mitigation fees into a Fire Directorate special revenue fund.

Section 4. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 7. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City’s official Code of Ordinances as provided hereinabove.

Section 8. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the ____ day of _____, 2024.

PASSED AND ADOPTED the ____ day of _____, 2024.

NICK LONG
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

MICHELLE L. VILLARREAL
City Attorney