

RESOLUTION NO: 22-01

A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR EMERGENCY AND NON-EMERGENCY SERVICES PROVIDED/RENDERED BY THE TIGHTWAD FIRE PROTECTION DISTRICT.

WHEREAS, the 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 emergency and non-emergency services; and

WHEREAS, the Tightwad Fire Protection District 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 District decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, 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 Special Master and Receiver of the Tightwad Fire Protection District desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

BE IT ORDAINED BY THE SPECIAL MASTER AND RECEIVER OF THE TIGHTWAD FIRE PROTECTION DISTRICT:

SECTION 1: The Tightwad Fire Protection District shall initiate mitigation rates for the delivery of emergency and non-emergency services by the District 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.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: The District 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.

SECTION 4: It is found and determined that all formal actions of the Special Master and Receiver concerning and relating to the adoption of this Resolution were under authority of the Court Order appointing the Special Master and Receiver and that all deliberations of the Special Master and Receiver that resulted in such formal actions were in accordance with all legal requirements, and the Court Order appointing the Special Master and Receiver.

SECTION 5: This resolution shall take effect at the date of adoption.

THE ABOVE WAS RESOLVED

A handwritten signature in black ink, appearing to read "Monte Lee Olsen". The signature is written in a cursive, flowing style.

Monte Lee Olsen, Special Master and Receiver
Tightwad Fire Protection District
January 6, 2022

EXHIBIT A
MITIGATION FEES
EMERGENCY INCIDENTS

Fire Protection Districts

MO Statute 321.622 Pertaining to Fire Protection Districts provides provisions when responding outside of the district. This statute limits the amounts to be billed to reasonable costs and shall not exceed one hundred dollars for responding to each fire call or alarm and five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency.

Nothing in the statutes prohibits billing non-residents for services within the boundaries of the District. The "in-boundary" billing rate is one-hundred dollars for responding to an emergency and two-hundred and fifty dollars for each hour or a proportional sum for each quarter hour spent in providing emergency services.

"Spiller-Pays"

MO Statute 260.546 states that a political subdivision, which includes a fire protection districts and volunteer fire departments or associations can charge "reasonable cleanup costs" for hazardous materials cleanups. The individual's liability includes "the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have been provided."

Late Fees:

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be accessed to the responsible party(s).