

North Tooele Fire District
Resolution 2023-15
Adopting the North Tooele Fire District Cost Recovery Policy

WHEREAS, the North Tooele Fire District (the “District”) is responsible for providing fire and medical emergency and non-emergency services within its service area, which is approximately 1800 square miles including Stansbury Park, Lake Point, Erda, Pine Canyon and the unincorporated areas of northern Tooele County; and

WHEREAS, emergency and non-emergency services response activity to incidents continues to increase each year and state and federal requirements involving equipment and training create additional demands on all operational aspects of District services; and

WHEREAS, the District has investigated different methods to maintain a high level of quality 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 is not always fair when the responsible party can be held accountable in certain situations; and

WHEREAS, adopting a separate cost-based recovery policy in addition to imposing a reasonable property tax on residents of the district is a balanced approach to providing consistent baseline of funding of services and general operation and administration costs to residents of the District while also recovering, where possible and when applicable, actual response costs from responsible parties to mitigate the need for increased property taxes, and doing so does not amount to “double-taxation.” Effective collection of recovery costs may result in less reliance on property taxes in the future; and

WHEREAS, the Board of Trustees of the District desires to implement a fair and equitable procedure by which to collect these recovery costs and to establish a billing system in accordance with applicable laws, regulations, and guidelines;

NOW, THEREFORE, the Board of Trustees of the North Tooele Fire District hereby:

1. Adopts the attached “North Tooele Fire District Cost Recovery Policy,”
2. This Resolution shall be effective immediately.

IN WITNESS WHEREOF the Board of Trustees of the North Tooele Fire District passed and approved this Resolution on this 15th day of November, 2023.

ADOPTED AND APPROVED this 15th day of November, 2023.

AYES:

NAYES:

ABSENT:

ATTEST:

Cassandra Ray
Administrative Chief
North Tooele Fire District

Rick Pollock
Board Chair
Board of Trustees

North Tooele Fire District
Cost Recovery Policy

A. Purpose.

This policy shall provide procedures for recovering costs incurred by the North Tooele Fire District (the "District") for assistance rendered by the District in responding to hazardous materials emergencies, ~~aggravated fire emergencies, aggravated emergency medical responses,~~ **other non-emergencies** situations, and motor vehicle accidents.

B. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

1. **"Assessable costs"** mean those costs for services incurred by the District in connection with a response to a request for emergency assistance or other requested extraordinary service or stand-by requests. Such costs include, but are not necessarily limited to, the actual labor and material costs of the District (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the District or by a third party on behalf of the District; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the District ~~village~~ imposed by any court or state or federal governmental entities.
2. **"Emergency or Non-Emergency Assistance"** means any request for emergency or non-emergency medical, public safety, public works, fire, or civil defense, or stand-by services of the District.
3. **"Cost Recovery Schedule"** The District's Board of Trustees shall from time to time adopt a Schedule of Fees by resolution, following state law requirements applicable to the imposition of fee increases, that sets forth a schedule of the costs incurred in making any type **of** emergency assistance response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the District. This schedule shall be available to the public.
4. **"Responsible Party"** means any individual, corporation, partnership, government entity, or any other legal entity that is responsible for causing a public safety, ~~or fire~~ emergency **or non-emergency** incident; or the release of a hazardous material, either actual or threatened; or is the owner, tenant, occupant or party in control of real and personal property to which there is a public safety, ~~or fire~~

emergency or **non-emergency** incident or from which or onto which hazardous material is released; or the owner, possessor or party in control of the hazardous substance immediately prior to said release; and their heirs and beneficiaries, successors, and assigns.

C. Recovery Authorization and Procedure.

The District is authorized to recover expenses incurred by virtue of the District's response to request for Emergency or Non-Emergency Assistance from any Responsible Party. The following procedure shall be followed to establish grounds:

1. The District shall ~~determine responsibility for the emergency or response as defined above and~~ notify the responsible party by mail of the District's ~~determination of responsibility and the~~ expenses to be recovered, ~~by the District,~~ with reference to the then-adopted District Schedule of Fees.
2. The notice shall specify that the determined responsible party may appeal the department's decision by filing a request to appeal with the Fire Chief within 30 days of the notice.
3. If the responsible party appeals the determination, the Fire Chief or the Fire Chief's designee shall hold a hearing within 30 days, during which the appealing party and the parties shall be entitled to present evidence in support of their respective positions.
4. After the hearing, the Fire Chief or designee shall make a written recommendation to the Board of Trustees within 30 days, and the Board, at its next regularly scheduled meeting, shall issue a decision determining responsibility and assessing expenses. The Board may adopt, modify, or reject the Fire Chief's recommendation. The Board may, in its sole discretion, hear additional evidence prior to issuing its decision.
5. The responsible party may seek judicial review of the Board's decision by filing a petition in the district court within 30 days of the Board's decision.

D. No Admission of Liability.

The payment of expenses determined owing under this section does not constitute:

1. An admission of liability or negligence in any legal proceedings; or
2. An admission of criminal intent or liability; or
3. A criminal fine.

E. Civil Action to Recover Expenses.

In the event the parties determined to be responsible for the repayment of expenses incurred due to the District's response to such an emergency fail to make payment to the District within thirty (30) days after a final administrative determination of any appeal to the District or thirty (30) days from the deadline for the appeal in the event no appeal is filed, the District may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the District's reasonable attorneys' fees.