

**MID-COLUMBIA FIRE & RESCUE
RESOLUTION #09-04**

A RESOLUTION PROVIDING COST RECOVERY THROUGH ADMINISTRATIVE, PERMIT AND EXAMINATION FEES IN CONJUNCTION WITH VARIOUS OPERATIONS AND METHODS FOR COLLECTION OF SUCH CHARGES

WHEREAS, ORS 478.410(4) authorizes a District to create fees for any services provided by the District; and

WHEREAS, Mid-Columbia Fire & Rescue, a Rural Fire Protection District, hereinafter referred to as District, has adopted Ordinance 2008-01, authorizing the District to create fees for services through the adoption of Resolution; and

WHEREAS, the District incurs certain costs during the course of operation and in response to specific requests or as a direct result of citizen actions; and

WHEREAS, the District recognizes fulfillment of these requests causes the expenditure of labor and materials and the District believes that such costs should not be borne by all taxpayers of the District, but only by those requiring such services;

WHEREAS, the fees established by this resolution have been evaluated by the District directors and the Directors have determined that they do not exceed the cost to the District of providing the services; and

WHEREAS, the Board of Directors of the Mid-Columbia Fire and Rescue has determined it is reasonable and appropriate to adopt a cost recovery mechanism to collect the cost of providing administrative services to the users of such services; and

WHEREAS, ORS 192.440(3)(a) authorizes a public body to establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, or a fee to reimburse the public body for the cost of time spent by an attorney to review the public records,

THEREFORE, BE IT RESOLVED that the Mid-Columbia Fire and Rescue Board of Directors does hereby approve and adopt provisions for reasonable administrative fees to reimburse the District for the costs incurred regarding building rental rates, fire prevention section rates, public record rates and special service rates.

BE IT FURTHER RESOLVED, that the Mid-Columbia Fire and Rescue Board of Directors does hereby approve and adopt amendments to Board Policy 3.12, Sections K through N, Meeting Room Usage Guidelines (reference Exhibit "A"), Board Policy 5.1, Section B, Subsections 1 through 6, Fees for Public Records (reference Exhibit "B"), and Board Policy 7.4, Section A, Billing for Refilling Breathing Apparatus (reference Exhibit "C"), for purpose of resolving conflicts between this Resolution and Board Policy.

Section 1 – Administrative Fee Rate Schedule

An administrative fee schedule is adopted. The Board may adjust this fee schedule by resolution from time to time as it deems necessary to recover its reasonable expenses, pursuant to ORS 478.410(3). Fees may be waived at the discretion of the Fire Chief for non-profit organizations and events.

A. Building Rental Rates:

Unless approved by the Fire Chief or his/her designee, District facilities shall only be scheduled during evenings and weekends and will be at the convenience of the District. Based upon activity at the time, the District reserves the right to cancel a room reservation at any time and without advanced notice.

Training Room/4 hrs. or less	\$50
Training Room/per day	\$100
Conference Room/4 hrs. or less	\$25
Conference Room/per day	\$50
Cleaning Deposit	\$50
Security Deposit.....	\$50
Building Cleaning Fee/per day (non-refundable)	\$25

B. Fire Prevention Rates Section:

Prevention/Code Enforcement Service:

Plans Review	\$125
Fire Code Board of Appeals Filing.....	\$30
False Alarm Response Fee	Refer to MCFR Resolution 08-12
Standby Firefighter (Fire Watch)	Overtime rate plus benefits
Standby Apparatus (Fire Watch)	Oregon State Mobilization Plan Rates Apply

Inspection Fee (Fire & Life Safety Inspection - Business):

Initial Inspection	No Cost
1 st Re-inspection	No Cost
2 nd Re-inspection (violations not corrected)	\$20
3 rd Re-inspection and additional re-inspections (violations not corrected)	\$50

Inspection Fee: (Fire & Life Safety Inspection – Construction)

Initial Inspection/Visit	No Cost
Required re-inspection/visits	\$50

C. Permits:

Fireworks (sell, display or store)	\$25
Carnivals and Fairs	\$50
Explosives (use or storage).....	\$25
Liquified Petroleum Gases (not installed on equipment)	\$50
Pyrotechnical/special effects materials (movie/television, production)	\$50
Tent, canopies and temporary membrane structures (air supported) (tent or air supported in excess of 200 sq. ft., canopy in excess of 400 sq.ft.).....	\$25
Haunted House.....	\$25

D. Public Records Rates:

Public Records/ for the first page (\$.25/page thereafter).....	\$10
Certified Copies/per page, in addition to public records rate).....	\$5
Copies of Maps or other Non-Standard Documents.....	Actual Cost
Research Fees/per hour, if longer than 15 minutes.....	\$35
Sound Recordings	\$20

Pursuant to ORS 192.440, District may include the cost of time spent by an attorney in reviewing the public records request. For all fees greater than \$25, the District will provide a written estimate of the amount to the requestor before fulfilling the public records request.

Pursuant to ORS 192.440, the District may furnish copies without charge or at a substantially reduced fee if the District determines that a waiver or reduction of fees is in the public interest.

E. Special Services:

False Alarm Response Fee	Refer to MCFR Resolution 08-12
SCBA Bottle Fill (per unit).....	\$8
SCUBA Bottle Bill (per unit).....	\$10
Lot Wash Down (public/private).....	Oregon State Mobilization Plan Rates Apply
Training Classes	Actual Personnel Cost (including benefits) plus materials
Training Props	(Reference Training Prop Fee Schedule)

Section 2 – Multiple Permits

A. When two or more permits are necessary and are for the same address or location, a multiple purpose permit may be obtained. The fee for this permit shall be 100% of the largest fee, plus 50% of the next largest fee, plus 50% for each additional permit.

Section 3 – Collection

A. The cost recovery charge is immediately due and payable. Arrangements for billing must be made at the time of the request, scheduling and/or service. All funds collected by this resolution shall be forwarded to the District Finance Office and credited to the appropriate account. Failure to pay for services within 30 days of billing shall be considered delinquent. If the invoice is not paid, it shall be subject to the district's regular collection procedures as outlined in the Fire District Board Policy Manual. The District shall use all methods available to collect for services provided including liens on real property.

Section 4 - Right to Appeal

An individual or entity may appeal first to the Fire Chief, and if still not satisfied, to the Board of Directors, to waive or reduce charges, upon reason of hardship or other mitigating circumstances.

Section 5 – Validity

The Board of Directors hereby declares that if any section, subsection, sentence, clause, phrase or portion of this resolution for any reason be held invalid or unconstitutional by any court of competent jurisdiction, the balance of this resolution shall remain in full force and effect.

Section 6 – Date of Effect

The Board of Directors finds and determines that it is necessary that the provisions of this resolution go into effect thirty (30) days from the date of final reading.

Section 7 – Policies Repealed

All resolutions in conflict herewith are repealed and no longer in force and effect.

APPROVED AND ADOPTED by the Board of Directors this _____ Day of _____ 2009.

APPROVED:

Board President

ATTEST:

Board Secretary

Approved as to Form:

Thomas C. Peachey, OSB #78331
Attorney for Mid-Columbia Fire and Rescue

Resolution No. 2009-04

EXHIBIT "A"

POLICY 3.12: MEETING ROOM USAGE GUIDELINES

- A. The primary purpose of the meeting and conference rooms is to provide a meeting place for district activities, a training area to provide a quality learning environment for the employees and volunteers of the fire district and to serve as the district's emergency operations center in time of emergency.
- B. These rooms may also be used to provide meeting space for governmental agencies or civic groups with broad community interest as allowable.
- C. The fire district will have first priority to use the meeting rooms. District activities will have priority over all outside activities at all times. Should an emergency occur and the district needs the use of the meeting rooms, all reservations will be canceled. Based upon the activity at the time, the district reserves the right to cancel a room reservation at any time, with or without advanced notice.
- D. All individuals and organizations using the meeting rooms agree to hold the district free and harmless from any and all liability arising from their activities and to provide evidence of liability insurance if requested.
- E. If not being used for district purposes, the meeting rooms will normally be available for use by the public during evenings between the hours of 5:00 PM to 10:00 PM and on weekends between the hours of 8:00 AM to 10:00 PM. Special arrangements must be made to use the meeting rooms other than these hours or during a district observed holiday.
- F. When an organization is granted the use of a meeting room, it assumes responsibility for the conduct of all persons while they are in or about the facility.
- G. The organization shall be responsible for all damages or loss of district property. The organization may not assign, transfer, sublet or charge a fee to use the district property.
- H. No alcohol or illegal drugs are permitted on district property. No smoking is allowed in district facilities. Smoking is permitted only in those outside areas where a cigarette butt receptacle is available.
- I. The meeting rooms are generally made available in keeping with these guidelines and in accordance with the administrative cost recovery fees as adopted by District Ordinance and Board Resolution.
- J. The district reserves the right to refuse use of any meeting room to any group or organization.

- K. Purpose for which district meeting rooms may not be used:
1. Teaching or promoting any theory or doctrine of advocating the abolition or overthrow of the United States government.
 2. Programs that may be classified as a nuisance to adjoining businesses, such as loud noise, attracting large or unruly crowds, etc. The user must be considerate of the firefighters who share this building. This is their home while on duty.
 3. Monetary gain of an individual in direct competition with a local business.
 4. By any group who would exclude anyone from any participation in, be denied the benefits of, or be subjected to discrimination on the basis of age, race, religion, color, national origin, disability or marital status.
 5. Facility use shall be denied when the district has reason to believe that such use may result in damage to district facilities.
- L. In the event individuals or groups feel the district's policy and or administrative regulation causes an unnecessary hardship or that the policy and or administrative regulation has been misinterpreted, they may appeal first to the Fire Chief and are still not satisfied, thereafter to the Board of Directors.
- M. Scheduling of facilities will be on a first-come, first-served basis. Only Local Government Entities will be granted month to month pre-scheduling up to 90 days. Groups must schedule at least one week in advance. Groups must fill out a meeting room use permit.
- N. One person from the group using the meeting room will be charged with responsibility of picking up the key during regular office hours. The key must be returned to the front office, a firefighter or placed in the lock box upon leaving the building.

EXHIBIT “B”

B. FEES FOR PUBLIC RECORDS

Public records shall be made available in accordance with the administrative cost recovery fees as adopted by District Ordinance 2008-01 and Board Resolution 2009-04.

EXHIBIT “C”

POLICY 7.4: BILLING FOR REFILLING AIR FOR BREATHING APPARATUS

A. Due to the cost of maintenance and future replacement of the District's breathing apparatus compressor, it is Board policy for the District to charge non-mutual aid users to fill breathing apparatus tanks as adopted by District Ordinance 2008-01 and Board Resolution 2009-04.

**MID-COLUMBIA FIRE AND RESCUE
RESOLUTION #09-16**

**AMENDING CERTAIN SECTIONS OF RESOLUTION #09-04 PROVIDING
COST RECOVERY THROUGH ADMINISTRATIVE, PERMIT AND
EXAMINATION FEES IN CONJUNCTION WITH VARIOUS OPERATIONS
AND METHODS FOR COLLECTION OF SUCH CHARGES**

WHEREAS, Mid-Columbia Fire and Rescue (herein after referred to as “District”) is a Rural Fire Protection District operating and existing under the provisions of ORS 478 et seq.; and

WHEREAS, ORS 478.410(4) authorizes a District to create fees for any services provided by the District; and

WHEREAS, Mid-Columbia Fire & Rescue, a Rural Fire Protection District, hereinafter referred to as District, has adopted Ordinance #2008-01, authorizing the District to create fees for services through the adoption of Resolution; and

WHEREAS, Resolution #09-04 adopts certain provisions as allowed by ORS 478 and set forth through Ordinance #2008-01 for cost recovery through administrative, permit and examination fees in conjunction with various operations and methods for collection of such charges; and

WHEREAS, a discrepancy has arisen in reference to Section 1A and Sections 4-7 of Resolution #09-04 that require amendment to resolve this issue; and

WHEREAS, the Board of Directors of Mid-Columbia has determined it is reasonable and appropriate to amend Section 1A and Sections 4-7 of Resolution #09-04 to address this discrepancy; and

WHEREAS, Oregon Revised Statute 198.510 permits a District to amend a regulation by official resolution;

NOW THEREFORE, BE IT HEREBY RESOLVED, by the MCFR Board of directors that the following sections of Resolution #09-04 shall be amended as outlined below and that Exhibit A shall be attached to Resolution #09-04 for future reference:

Section 1 – Administrative Fee Rate Schedule

An administrative fee schedule is adopted. The Board may adjust this fee schedule by resolution from time to time as it deems necessary to recover its reasonable expenses, pursuant to ORS 478.410(3). Fees may be waived at the discretion of the Fire Chief for non-profit organizations and events.

Page 1 of 5 Resolution No. 2009-16

A. Building Rental Rates:

Unless approved by the Fire Chief or his/her designee, District facilities shall only be scheduled during evenings and weekends and will be at the convenience of the District. Based upon activity at the time, the District reserves the right to cancel a room reservation at any time and without advanced notice. For reason of benefit to both MCFR and the community, rental fees shall not apply to emergency service organizations.

Training Room/4 hrs. or less.....	\$50
Training Room/per day	\$75 \$100
Conference Room/4 hrs. or less	\$25
Conference Room/per day	\$50
Cleaning Deposit.....	\$50
Security Deposit.....	\$50
Building Cleaning Fee/per day (non-refundable)	\$25

The room(s) must be cleaned and organized in the same condition as previously found, to the satisfaction of the Fire District. If, after the activity or event, the room(s) requires cleaning by a professional company, the responsible agency shall be invoiced for the cost of cleaning. The cost to repair or replace equipment or furniture damaged as a result of the activity or event shall be forwarded to the responsible party for reimbursement.

~~Section 4 – Right to Appeal~~

~~An individual or entity may appeal first to the Fire Chief, and if still not satisfied, to the Board of Directors, to waive or reduce charges, upon reason of hardship or other mitigating circumstances.~~

~~Section 5.4 – Validity~~

The Board of Directors hereby declares that if any section, subsection, sentence, clause, phrase or portion of this resolution for any reason be held invalid or unconstitutional by any court of competent jurisdiction, the balance of this resolution shall remain in full force and effect.

~~Section 6.5 – Date of Effect~~

The Board of Directors finds and determines that it is necessary that the provisions of this resolution go into effect thirty (30) days from the date of final reading.

~~Section 7.6 – Policies Repealed~~

All resolutions in conflict herewith are repealed and no longer in force and effect.

APPROVED AND ADOPTED by the Board of Directors this 21st day of December, 2009.

President

Secretary

Approved as to form:

Thomas C. Peachey #78331
Attorney for Mid-Columbia Fire and Rescue

EXHIBIT “A”

**MID-COLUMBIA FIRE AND RESCUE
RESOLUTION #09-16**

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COST RECOVERY THROUGH ADMINISTRATIVE, PERMIT AND
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Training Room/per day	\$75
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Conference Room/per day	\$50

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Section 4 – Validity

The Board of Directors hereby declares that if any section, subsection, sentence, clause, phrase or portion of this resolution for any reason be held invalid or unconstitutional by any court of competent jurisdiction, the balance of this resolution shall remain in full force and effect.

Section 5 – Date of Effect

Page 4 of 5 Resolution No. 2009-16

The Board of Directors finds and determines that it is necessary that the provisions of this resolution go into effect thirty (30) days from the date of final reading.

Section 6 – Policies Repealed

All resolutions in conflict herewith are repealed and no longer in force and effect.