

Cowlitz 2 Fire & Rescue

Policies and Operating Guidelines

Policy:	OUT OF DISTRICT RESPONSE POLICY		
Number	Effective Date	Last Review Date	Cancel/Void Date
4011	1/13/11		

1.0 REFERENCE

RCW 43.43.961; RCW 52.12.031; RCW 52.12.111; RCW 52.12.121; RCW 52.30.020
POG 2001; 4001; 4008; 5001

Washington State Association of Fire Chiefs recommended “Washington-Oregon
Interagency Rate Schedule”.

2.0 POLICY

- 2.1** RCW 52.12.111 authorizes services outside the boundaries of the District “under conditions prescribed by the fire commissioners.” The Board of Commissioners authorizes responses to areas outside of the jurisdictional boundaries of the District for the purposes of fire protection, emergency medical services, hazardous materials response and other emergency services as may be requested by the State of Washington under the State Mobilization Act, by the federal government under a disaster declaration, as requested under a signed mutual aid agreement, as specified in contractual agreements with individuals or other entities, or as may be deemed appropriate by the Fire Chief or designee.
- 2.2** Response to areas outside of the jurisdictional boundaries of the District that are not covered by a valid contract for services, a request for assistance under a mutual or automatic aid agreement, a state mobilization, or a federal government disaster declaration, shall only be for incidents that may cause direct harm to the citizens of the District, involve critical infrastructure, or where no other resources are available to mitigate the incident and response by the District has the potential to prevent serious injury or death to an individual.
- 2.3** Response to an out of jurisdiction incident shall be within the absolute discretion of the District, shall be on a non-precedent setting basis and shall not establish an obligation on the District to respond to future requests for service for that individual, property, business, or area. The District makes no guarantee of responding outside of the District’s jurisdiction and the District assumes no liability for failure to respond to incidents outside of its jurisdiction. The District’s commanding officer or designee shall be the sole judge as to whether or not to respond to an out of jurisdiction request for service and the most expeditious manner of handling and responding to such emergency calls. Neither this policy nor any past or future out of jurisdiction responses shall create or be construed as creating any exception to the Public Duty Doctrine.
- 2.4** This policy is not intended to and shall not be construed as establishing a fee-per-incident response service for out of jurisdiction individuals, properties, businesses, or areas. Property owners desiring District responses shall be required to annex into the District when adjacent to the District boundary, or to execute a service contract with the District when not adjacent with the District boundary.

3.0 DEFINITIONS

3.1 See POG 2001

3.2 **CRITICAL INFRASTRUCTURE:** Any structure or facility that is essential for national or regional security and public safety, or essential to provide regional utility services, or essential to regional transportation services.

3.3 **TOTAL COST OF COMPENSATION:** A sum equal to the amount that the District is required to pay for an employee's services including wages (regular and overtime wages), any direct fringe benefits to which an employee is entitled plus payroll costs incurred such as LEOFF contributions, social security taxes, accruals of vacation leave, sick leave, holiday leave, etc. and related indirect benefits.

4.0 RESPONSIBILITIES

4.1 Operations section is responsible to develop appropriate preprogrammed response information for identified areas and/or facilities outside of District boundaries that are likely to request a response.

4.2 Operations section shall establish minimum reserve resource requirements to be maintained within the District.

4.3 Company officers are responsible to know the jurisdictional boundaries of the District and respond outside of those boundaries only under the terms of this policy.

4.4 The duty chief shall ensure that appropriate information about an out of jurisdiction response is gathered and forwarded to the District Secretary for billing purposes.

5.0 GUIDELINES

5.1 Any response outside of the District shall be based on the availability of response capability at the time of the request. The District shall not be obligated to respond beyond its jurisdictional boundary at any time.

5.2 Except for response dispatches received under automatic aid agreements, District personnel shall not respond outside of the jurisdictional boundaries of the District until the duty chief has determined that an out of jurisdiction response is appropriate under this policy and that the minimum reserve response capability of the District is likely to be maintained during the out of jurisdiction response.

5.3 Unless there is a specific contract or agreement in place prior to the start of an out of jurisdiction incident receiving a District response, the District will bill the responsible party for its services as follows:

(a) The cost for each vehicle, apparatus or piece of equipment used to mitigate the incident using the current Washington State Association of Fire Chiefs recommended

Washington-Oregon Interagency Rate Schedule (or other industry-accepted rate schedule if the vehicle, apparatus, or equipment is not covered by the Washington-Oregon Interagency Rate Schedule). Charges will be calculated from the time that each vehicle, apparatus or equipment leaves its station or begins its response to the incident until it has returned to the station and is prepared to respond to other calls for service, calculated to the nearest one-half (1/2) hour provided; however, that if such equipment cannot be reasonably prepared for a response to other calls due to damage to the vehicle, apparatus or equipment, the hourly charge shall not extend beyond one (1) hour following the time that such vehicle, apparatus or equipment would have returned to its station and been available to respond to other calls for service if such damage had not been incurred.

(b) For each responder, a sum equal to the total cost of compensation that the District is required to pay for the person's services, expressed as an hourly rate of pay for each person, from the time that each responder leaves the station or begins the response to the incident until the responder has returned to the station and is prepared to respond to other calls for service; provided, however, that if any such person should be injured or killed and not be able to return to his/her station immediately after leaving the site of the incident, the hourly charge shall not extend beyond one (1) hour following the time that such person would have returned to his/her station and been available to respond to other calls for service if such injury or death had not occurred.

(c) Costs for "call back crews" to cover other calls for service while personnel are responding to the out of jurisdiction incident; reimbursement will be based on actual costs incurred (total cost of compensation).

(d) For vehicles, apparatus, supplies, and equipment that are consumed, damaged, or destroyed during response to an out of jurisdiction incident, the party responsible for the incident shall pay to the District the replacement, repair, or replenishment cost thereof.

(e) The District shall issue a billing statement to the recipient of the services immediately after the services have been rendered,

(f) For unpaid bills, a follow up billing shall be sent thirty days later and a third notification be sent after another thirty days. In compliance with RCW 19.16.500, the third notification shall be notice that the debt may be assigned to the collection agency if it is not paid.

(g) In the event it is determined that the charge cannot be collected through the above billing procedures, the Chief is authorized to refer the charge to a commercial collection agency or, if appropriate, to write the charge off as an uncollectible debt.

(h) EMS Responses to outside jurisdictions that cannot reciprocate with mutual aid for like ALS transport services shall be charged the difference between the current cost of an ambulance transport and the actual amount recovered from individual insurance payers (the current collection rate). It shall be understood that this rate may change annually as the District has an escalator built into its ambulance transport fee annually and this may cause the collection rate to change also.

(i) The dispatch of resources that drop the District resources to level 0 shall be at the discretion of the Duty Chief and the current ERG covering deployed resources and to which jurisdictions.

6.0 ADDITIONAL REFERENCES

Washington State Fire Services Resource Mobilization Plan

Resolution 791-2018: Transport Fee, Mileage & Annual Escalator Adjustment

7.0 APPENDIX

NA