

# Clackamas Fire District #1



## ORDINANCE NO. 09-01

AN ORDINANCE ESTABLISHING MECHANISMS TO RECOVER COSTS ASSOCIATED WITH SERVICES PROVIDED BY THE DISTRICT; REPEALING ORDINANCE 07-01 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

**Whereas**, the Board of Directors of Clackamas County Fire District #1 finds that the District may adopt an ordinance as provided under ORS 478.410 to create a fee for any service provided by the District. A fee created under authority of this section may not exceed the cost to the District of providing the service; and

**Whereas**, the District has a long-standing practice of established policies that allow the District to collect fees related to requests for services provided; and

**Whereas**, the Board determines that it is appropriate to provide by ordinance for the recovery of the costs of providing services as set forth in policy by the Board;

**NOW, THEREFORE**, Clackamas County Fire District #1 ORDAINS AS FOLLOWS:

### SECTION I - PURPOSE

The purpose of this ordinance is

- 1) to establish a mechanism to recover the costs of providing service in those instances deemed appropriate by the direction of Board policy;
- 2) to establish a system of cost-recovery which recognizes the District's costs for providing public services and attempts to recover those costs through a practical billing structure; and
- 3) to protect the District from financial burden of providing services when the related costs should be passed onto others in an attempt to limit the impact on District resources.

### SECTION II - DUTIES AND POWERS

The regulations adopted as part of this ordinance shall be enforced by the Fire Chief of the District. The Fire Chief, or his or her designee, shall be responsible for reviewing all cost calculations of fees billed to confirm compliance with Board policy.

The Board adopts as part of this ordinance the fee schedule by resolution hereto, which prescribes fees and methods of cost recovery calculation for each service.

SECTION III - COLLECTION PROCEDURES

All fees are due prior to public record request documents being released. All costs related to collection procedures shall be added in addition to Fire District fees if collection services are required.

SECTION IV - APPEALS

Appeals by persons whose request for records has been denied or limited, or who contend that the charges are excessive, shall be presented to the Fire Chief in writing within 30 days from the date of the invoice or cost estimate being received.

SECTION V - SEVERABILITY AND VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance or codes or standards herein referenced is, for any reason, held to be invalid or unconstitutional, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board hereby declares that it would have passed all other portions of this ordinance irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases is declared invalid or unconstitutional.


SECTION VI - CONFLICTING ORDINANCES OR RESOLUTIONS


All previously adopted ordinances, resolutions or parts thereof in conflict herewith, to the extent of such conflict and not further are hereby repealed. Provisions of this ordinance, insofar as they are substantially the same as existing ordinances or resolutions, shall be construed as restatements and continuations and not as new enactments.

SECTION VII - DATE OF EFFECT

This Ordinance shall be effective the 30<sup>th</sup> day following its second reading and adoption by a majority vote of the Board of Directors pursuant to ORS 198.550 (1) and (2).

This Ordinance was read during a regular meeting of the Board of Directors on the 23<sup>rd</sup> day of February, 2009. This Ordinance was re-read during a regular meeting of the Board of Directors on the 23<sup>rd</sup> day of February, 2009, and adopted by the affirmative vote of a majority of the Board of Directors of Clackamas County Fire District #1.

ATTEST:   
Secretary

BY:   
Chairman