

ORDINANCE NO. 2020-06

AN ORDINANCE ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF LA FERIA.

WHEREAS, the emergency and non-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 the fire department services; and

WHEREAS, the fire department 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 fire department 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 City Council of the La Feria Fire and Rescue 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 CITY COUNCIL OF THE LA FERIA FIRE AND RESCUE:

SECTION 1: The La Feria Fire and Rescue shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department 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 fire department's City Council 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 this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

SECTION 5: This Ordinance shall take effect thirty days (30) from the date of adoption as permitted by law.

SECTION 6: The Mitigation Rates lists in Exhibit A will increase by 1.5% annually or based on the annual percentage increase in the Consumer Price Index (CPI), as developed by the Bureau of Labor Statistics of the U.S. Department of Labor, whichever is more. Rate adjustments will occur on the anniversary date of this ordinance/resolution to keep the fire department's cost recovery program in conformity with increasing operating expenses.

PASSED AND APPROVED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, on this the 9th day of June, 2020

CITY OF LA FERIA, TEXAS



Olga Maldonado, Mayor

ATTEST:



Amanda Morales, City Secretary

APPROVED AS TO FORM:

Rebecca S. Hayward,
CITY ATTORNEY

CITY OF LA FERIA



EXTENSION OF DECLARATION OF LOCAL DISASTER DUE TO PUBLIC HEALTH EMERGENCY

WHEREAS, The novel Coronavirus (COVID-19) has been recognized as a contagious respiratory virus; and,

WHEREAS, Symptoms of COVID-19 includes fever, cough, and shortness of breath, and can range from mild to severe illness; and,

WHEREAS, on March 13, 2020, Governor Abbott declared a state of disaster for all counties in Texas; and,

WHEREAS, Similarly, the County Judge of Cameron County, Texas, through the authority provided to this office in the Texas Government Code, Chapter 418.108, has declared a state of disaster for the County of Cameron on March 16, 2020; and,

WHEREAS, The State of Texas has already taken numerous steps to prepare for COVID-19, including coordinating preparedness efforts across state agencies, and working with local partners to promote appropriate mitigation efforts; and,

WHEREAS, the COVID-19 virus spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs or sneezes; and,

WHEREAS, the continued spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency measures to be taken; and,

WHEREAS, Texas Local Government Code Chapter 418, Section 418.108 authorizes the City Mayor of a municipality to declare a local state of disaster, and exercise the powers granted therein on an appropriate local scale; and,

WHEREAS, a declaration of local state of disaster shall activate the City of La Feria emergency management plan and authorizes the furnishing of aid and assistance under the declaration. The appropriate preparedness and response aspects of the plan is activated and

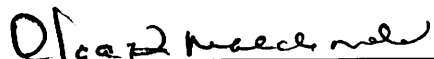
WHEREAS, a declaration of local state of disaster and public health emergency permits the ability to take measures to reduce the possibility of exposure to disease, prevent the spread of and control the risk of disease, in order to promote the public health, safety and welfare of residents of the City of La Feria; and, ;

WHEREAS, the Mayor of the City of La Feria has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19 throughout the City of La Feria, Texas.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF LA FERIA, COUNTY OF CAMERON, TEXAS THAT:

1. That a local state of disaster and Public Health Emergency is hereby declared for the City of La Feria, County of Cameron, Texas pursuant to Chapter 418.108 of the Texas Local Government Code; and,
2. That the City's Emergency Management Plan has been activated; and,
3. That this Local State of Disaster shall continue for a period of not more than seven days from the date hereof unless continued or extended by consent of the City Commission of the City of La Feria, County of Cameron, Texas; and,
4. Pursuant to the authority granted under the laws of the State of Texas, this declaration authorizes the City of La Feria take actions necessary to protect the health and safety of persons in the City, including but not limited to the control of ingress to and egress from the movement of persons and the occupancy of premises in that area; and
5. That this Proclamation shall take effect immediately from and after its issuance.

ORDERED this the 9th day of June 2020.



Olga H. Maldonado, Mayor



Amanda Morales, City Secretary