

CITY OF BEND FIRE & RESCUE
POLICY, PROCEDURE, AND INSTRUCTION

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SECTION: Administration

TITLE: Incident Cost Recovery

NUMBER: 1100-021

A. POLICY

- 1) It is the policy of the Bend Fire & Rescue (BF&R) to initiate cost recovery where and when appropriate. There are times when BF&R responds to calls for which we are statutorily authorized to recover incident response costs. These include incidents involving hazardous materials, transportation incidents, and certain unlawful fires. Additionally, at times we respond to calls for assistance outside of our response boundaries: this incurs a cost which is borne by the taxpayers, not by those who call. Often, a response to these types of incidents may be of long duration and tax our capability to respond to other calls.
- 2) In order to reduce the financial impact and to balance financial accountability fairly between City/District taxpayers and persons responsible for the incident, BF&R will bill parties responsible for certain types of incidents, pursuant to State statutes. The costs assessed will strictly reflect incident costs and will be deposited only into the City of Bend Fire Fund.
- 3) The community support which BF&R enjoys is of utmost importance to build and maintain. It is in the best interest of BF&R and the City to continually strengthen the trust of the community in us. Therefore, cost recovery efforts will be pursued only when we are within statutory bounds and when those efforts do not add further anguish to a situation. The Fire Chief will be the final arbiter as to whether cost recovery is pursued.

B. PROCEDURE

- 1) The following types of incidents are subject to cost recovery efforts. The Fire Chief, Deputy Chief of Operations, and the Incident Commander will review any incident with cost recovery potential prior to creating a billing notice
 - Incidents involving a hazardous material release: OAR 837-120-090 (5) authorizes responding agencies to recover all emergency response costs from the party responsible for the release, including overtime costs, station backfill, and the costs associated with incident documentation.
 - Incidents outside the Fire District boundaries: ORS 478.310 authorizes agencies responding to public safety incidents outside of their boundaries to recover the full cost of that response. Mutual aid requests are not included in this category. Examples of this response are a motor home fire at Wanoga Butte Sno-Park.

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- Incidents on transportation routes: ORS 478.310 also authorizes a publicly funded fire response agency to recover costs for emergencies on transportation routes when the following criteria are met:
 - ♦ The transportation route is a roadway, waterway or railroad right-of-way against which no taxes are levied by the City or District, and
 - ♦ The persons involved in the incident do not reside within the City or Fire District boundaries or who do not pay taxes to the City or Fire District.
 - Incidents involving unlawful fires: ORS 478.965 provides authorization to recover costs when responding to stand by at or to extinguish unlawful fires burning within or without the response boundaries, whenever such fires have been started or allowed to spread in willful violation of ORS 478.960 (1) to (5). In such cases, it will be necessary to acknowledge the unlawfulness with a citation before proceeding to recover costs.
 - Incidents, which in the opinion of the Fire Chief, the Deputy Chief, Operations and the Incident Commander, should be billed for: a case by case review will be performed by the above, in the event that it is unclear whether to bill or not. Conflagration Act responses and certain mutual aid requests are subject to cost recovery: however, these types of incidents are specifically excluded from this document. They are billed to the State, and they have a different rate schedule.
- 2) The Incident Commander (IC) will be responsible for the following actions for billable calls: contacting the responsible party (RP) for the incident, gathering the required information, notification of the RP that they are liable for costs, documenting the personnel, equipment and materials times for the incident, appraising the Deputy Chief of Operations of the situation, and forwarding the completed documents to the Deputy Chief of Operations and procurement team who will contact the City Finance Department for billing.
 - 3) The City Finance Department, upon receipt of the IC's billing notice, will forward a bill to the responsible party and follow-up in the event of nonpayment. The Finance Department will deposit all proceeds from the cost recovery efforts into the City of Bend Fire Fund.
 - 4) For Billing purposes BF&R will use the OSFM conflagration hourly rates for apparatus. Personnel rates will be the current hourly rate for each employee including their benefits.

C. INSTRUCTION

- 1) At the scene of an incident which may be cost-recoverable, the IC will complete the Cost Recovery Notification Form, advise the RP of potential liability, and ensure that the RP signs the form as acknowledgment of potential liability. If the RP is not on scene, notification should be made by phone at the earliest opportunity, as a matter of common courtesy.

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- 2) After the incident, the IC will review the situation with the Deputy Chief of Operations to determine whether to proceed with cost recovery. If the decision is made to proceed the following steps shall be taken:
- The IC shall complete Cost Recovery Notice. Copies are on file in all stations.
 - Enter the incident information on the form which reflects the personnel, equipment and materials used. Round personnel and apparatus times upward to the nearest 0.25 hr. Under personnel times, include the time spent writing reports and billing, and the time spent restoring equipment to service.
 - File copy of billing to Q Incident Cost Recovery file. Original bill should be forwarded to the Deputy Chief of Operations for review, approval by the Fire Chief and forwarding to the Finance dept.
 - It is recommended that when we move to recover costs, personnel keep a written log of the incident actions and critical events, in case the matter proceeds to litigation. A copy of the billing information is also recommended.