

RESOLUTION #2022-04

A RESOLUTION OF THE BOARD OF DIRECTORS FOR THE MORONGO VALLEY COMMUNITY SERVICES DISTRICT AND THE MORONGO VALLEY FIRE DEPARTMENT IMPLEMENTING A COST RECOVERY PROGRAM FOR FIRE PROTECTION, EMERGENCY MEDICAL SERVICES, HAZARDOUS MATERIALS RESPONSE, RESCUES, TRAFFIC ACCIDENT SCENE RESPONSE, AND TRAFFIC SAFETY FOR EMERGENCY RESPONSE INCIDENTS AND ALL OTHER RELATED SERVICES.

WHEREAS, Responses to and/or recovery from emergencies and disaster requires purchases to replace supplies, periodic and scheduled maintenance on fire apparatus, fuel purchases, staffing expenses, repair and replacement of personal protective gear and equipment as required by the National Fire Protection Association Standards, OSHA, and Federal and State laws; and

WHEREAS, The California State Vehicle Code, section 17300, and the California Health & Safety Code, sections 13910 through 13919, authorizes fire departments and districts to recover reasonable and necessary cost incurred while protecting life and property that exceed the normal and usual expenses anticipated. The Morongo Valley Community Services District and/or the Morongo Valley Fire Department will affix a \$250.00 minimum preparedness and response fee to all incidents while a liable party is responsible for said action. This fee will begin to offset (but is not limited to) wear and tear of the equipment, overtime, fuel consumption, loss, or damage to publicly owned equipment, purchase or lease of any special equipment or services required to protect the public during a hazardous incident and/or hazardous materials spill; and

WHEREAS, The Morongo Valley Community Services District and the Morongo Valley Fire Department believes that its taxpayers should not be required to bear the extraordinary cost of responding to medical, fire, rescue, traffic accidents, and hazardous materials incidents, regardless of size, and that such extraordinary cost should be charged to the liable party and/or transporters and users of hazardous material and;

WHEREAS, The Morongo Valley Community Services District and the Morongo Fire Department has determined that vehicle accidents frequently involve traffic control necessary to reduce further liability, or damage or injury to non-involved parties. Standard response results in requiring placement of emergency flares, as well as dealing with spillage or leakage of fluids, such as oil, battery acid, fuel, antifreeze, brake

fluid, transmission fluid, and other petroleum products which all are hazardous materials; and

WHEREAS, A standard response requires placement of emergency flares and/or traffic cones, as well as dealing with spillage or leakage of liquids, such as oil, battery acid, fuel, antifreeze, brake fluid, transmission fluid, and other petroleum products, all which constitutes hazardous materials; and

WHEREAS, The Morongo Valley Services District and the Morongo Valley Fire Department designates EF Recovery as its designated administrative agency and representing authority establishing a claim on behalf of said District and Fire Department; and

WHEREAS, The Morongo Valley Community Services District and the Morongo Valley Fire Department representing designee in oversight of recovering data pertinent to filing a claim for loss of time and supplies, a reasonable administrative fee will be affixed to the total loss of the claim that shall be paid by the liable party causing said claim.

NOW, THEREFORE, BE IT RESOLVED by the governing Board of the Morongo Valley Community Services District and the Morongo Valley Fire Department to implement a Cost Recovery Program pursuant to the California Vehicle Code, section 17300, and the California Health and Safety Code, sections 13910 through 13919, and any other statues that allow for cost recovery from responsible parties.

PASSED AND ADOPTED by the Board of Directors of the Morongo Valley Community Services District this 16th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
President, Board of Directors

Morongo Valley CSD

ATTEST:

By: _____

Secretary

Morongo Valley Community Services District