

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING SECTION 5-01-001-0001 OF THE FLAGSTAFF CITY CODE REGARDING FIRE PROTECTION SERVICES IN COUNTY ISLANDS AND OTHER SELECTED UNINCORPORATED PROPERTY; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City's fire protection rate, which applies to contracts with individuals and with fire districts in unincorporated areas of Coconino County, is based upon the primary and secondary property tax rates for the City of Flagstaff as determined by the City Council and collected by the County Assessor; and

WHEREAS, the City's costs to provide fire protection services have not declined; and

WHEREAS, the City desires a more efficient and equitable way to calculate non-contract rates to be fair to the City and the parties subject to the rates.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. SECTION 5-01-001-0001 of the Flagstaff City Code of Ordinances is hereby amended as follows, with deleted text stricken through and new text underlined:

A. The ~~CITY Flagstaff Fire Department is hereby authorized, but not required, to~~ MAY enter into service agreements **TO PROVIDE FIRE PROTECTION SERVICES** for the following areas not in the boundaries of the City, as recommended by the Fire Chief and approved by the City Manager:

1. Property surrounded by the City but not within the boundaries, i.e., County islands; or
2. Other unincorporated property as recommended by the Fire Chief and City Manager, and reviewed and approved by the City Council on a case-by-case basis.

THE MAXIMUM TERM OF A SERVICE AGREEMENT IS FIVE (5) YEARS.

B. The fire protection services ~~described above~~ **BASE CONTRACT RATE shall be provided only on the following basis: SHALL BE ESTABLISHED USING THE CITY OF FLAGSTAFF PRIMARY TAX RATE PLUS THE SECONDARY PROPERTY TAX RATE FOR THE PRECEDING FISCAL YEAR, PER ONE HUNDRED DOLLAR (\$100.00) OF THE ASSESSED VALUE OF THE PROPERTY LOCATED WITHIN THE CONTRACT SERVICE AREA, AS ESTABLISHED BY THE COCONINO COUNTY ASSESSOR ANNUALLY AND USED BY THE CITY FOR TAXATION OF PROPERTY, PLUS EIGHTEEN PERCENT (18%). THE BASE**

CONTRACT RATE IS ESTABLISHED AT THE TIME OF CONTRACT FORMATION. IF THE SERVICE AGREEMENT HAS A TERM OF MORE THAN ONE (1) YEAR, THE CONTRACT RATE SHALL INCREASE BY TWO PERCENT (2%) ANNUALLY UNTIL THE EXPIRATION OR TERMINATION OF THE SERVICE AGREEMENT.

~~1.— The fire protection services rate, beginning July 1, 2010, for fire districts and individual service contracts (including County islands), receiving services in fiscal year 2009-2010 under this section, shall be based on the actual fire contract amount established in fiscal year 2009-2010 in addition to a surcharge of eighteen percent (18%) of the fiscal year 2009-2010 contract amount (the "base contract rate").~~

~~2.— The City may, at its sole discretion, offer an alternative funding schedule to those fire districts receiving fire protection services from the City in 2009-2010. The purpose of this alternative funding schedule will be to distribute the eighteen percent (18%) annual rate increase in 2010 over an ensuing contract period not to exceed five (5) years. It is intended that the annual increase will be equal to the total fees generated through the five (5) year contract period as if the eighteen percent (18%) increase was applied in 2010. In no instance shall the period allowed for the purpose of this funding alternative exceed a five (5) year time frame.~~

~~3.— In addition to the eighteen percent (18%) contract increase, or the alternative multi-year increment, the base contract rate shall be increased on an annual basis by two percent (2%). This rate shall be applied to all fire districts and individual contracts developed under this section.~~

~~4.— For all new contracts established after the effective date of the ordinance codified in this section, including fire districts, individual contracts, including County islands, the fire protection services rate shall be established using the City of Flagstaff primary and secondary property tax rate for the preceding fiscal year, per one hundred dollar (\$100.00) assessed value of the affected property, as established by the most recent Coconino County Property Appraiser's Office, plus eighteen percent (18%); this will then become the base contract rate for those contracts.~~

C. In the absence of a written contract, an implied contract shall exist between the City and the property owner which provides for reimbursement to the City at an hourly rate (rounded to the nearest whole dollar) based on the average hourly full burden rate of a three (3) person engine/water tender company (current salary for top step captain/paramedic, engineer/paramedic, firefighter/paramedic) plus the hourly cost of the unit based upon the current cost set forth in the Arizona State Fire Agreement contract with the City of Flagstaff. For a battalion chief (BC) it is the hourly full burden rate (current hourly for top step) plus a flat rate for the vehicle based upon the rate in the current Arizona State Fire Agreement with the City of Flagstaff. A one (1) hour minimum will be assessed for all but false alarms.

1. This rate may be applied to other Fire Department costs, such as hazardous materials response or other auxiliary services.

2. In addition to the above rates, an eighteen percent (18%) surcharge will also be applied to the cost.

D. Extraordinary costs (costs greater than one thousand dollars (\$1,000.00)), costs for equipment and supplies, and personnel costs necessary to maintain adequate City coverage may

also be recovered on a cost basis.

E. In a collection action to recover the City's costs based upon the implied contract referred to in subsection (C) of this section, the City is authorized to utilize all equitable and legal remedies, including a lien upon the affected property as provided in the Arizona Revised Statutes.

F. There shall be no duty for the City of Flagstaff to respond to property in an unincorporated area not covered by a fire contract. However, if a threat exists to the City of Flagstaff or other contract properties; or if, when dispatched, the Fire Department is not certain of the status of the property, the Fire Department responders shall have the discretion to act in the interest of public safety.

SECTION 2. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 5. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of September, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY