

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO ADD  
A NEW CHAPTER 10.44 OF THE SAN JOSE MUNICIPAL  
CODE TO ESTABLISH THE FIRST RESPONDER FEE  
PROGRAM EFFECTIVE JANUARY 1, 2026, AND  
PROVIDE PROCEDURES FOR ITS OPERATION AND  
MANAGEMENT**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General procedure and policy making resulting in no changes to the physical environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

A new Chapter is added to Title 10 of the San José Municipal Code, to be numbered, entitled and to read as follows:

**10.44.010 Purpose.**

The purpose of these provisions is to allow for the establishment, imposition, charging, and collection of fees to recover the City of San José's cost of providing emergency medical first responder services. The purpose of the First Responder Fee Program is to cover the costs of the first responder services that the City of San José provides through the Fire Department to all recipients of the services, including San José residents and nonresidents.

#### **10.44.020 Definitions.**

For purposes of this chapter, the following definitions apply:

- A. *"City Manager"* means the City Manager of the City of San José, or designated Department Appointee.
- B. *"Fire Chief"* means the Fire Chief of the City of San José, or a designee of the Fire Chief
- C. *"Services"* means emergency medical first responder services designed to provide definitive prehospital emergency medical care including, but not limited to, cardiopulmonary resuscitation, cardiac defibrillation, airway management, administration of specified drugs, and other techniques and procedures administered by authorized Fire Department personnel provided on behalf of the City of San José.
- D. *"First Responder Fee Program"* means the San José Fire Department First Responder Fee Program established pursuant to this chapter and is the fee program administering two fee segments, the "First Responder Fee" and "Vehicle Collision Response Fee", related to incidents in which the City of San José

provides emergency medical care to residents and nonresidents within the city limits of San José, including the unincorporated areas of Santa Clara County by contract.

- E. *"First Responder Fee"* means the Emergency Medical Services First Responder Fee (which may also be referred to in this chapter as the "FRF fee") established pursuant to this chapter and charged to each person to whom the City of San José provides the services. Revenue from the fee covers or offsets the City of San José's costs of providing the services.
- F. *"Vehicle Collision Response Fee"* means the Emergency Medical Services Vehicle Collision Response Fee (which may also be referred to in this chapter as the "VCR fee") established pursuant to this chapter and charged to each person to whom the City of San José provides the services during an automotive vehicle incident. Revenue from the fee covers or offsets the City of San José's costs of providing the services.
- G. *"Insurer"* means the recipient's medical insurance provider.
- H. *"Recipient"* means the person to whom the City of San José provides the services.

**10.44.030 San José Fire Department First Responder Fee Program Fees.**

- A. The City Council shall, by resolution, establish and amend from time to time First Responder Fee Program fees to recover the actual and reasonable costs incurred by the City of San José to provide the services. The City of San José costs shall specifically include the costs for employees (wages and benefits), medical supplies, contracts for specialized work, and processing the First

Responder Fee Program fees, including administrative and enforcement costs. For the purpose of calculating the First Responder Fee Program fees, the City of San José shall exclude any costs that are paid using revenue outside of the costs to provide emergency medical services.

- B. The First Responder Fee Program Fees shall be charged to each recipient who receives services during a single incident. The fee charged shall be deemed a debt to the City of San José of the recipient, or in the case of a minor, of his or her parent or legal guardian. Any person owing money shall be liable in an action brought in the name of the City of San José for recovery of such amount, including reasonable attorney fees, unless deemed under financial hardship pursuant to the City of San José's Compassionate Billing Policy.

#### **10.44.040 Fee collection.**

- A. The City Manager, Fire Chief, or designee will develop administrative regulations, subject to approval as to form by the City Attorney and approval by the City Manager, to document the City of San Jose's procedures for charging, invoicing, billing, and receiving payments for each fee charged under this chapter. The administrative regulations may include procedures by which the City of San José contracts with any third-party service providers. The administrative regulations will include a procedure to implement the Compassionate Billing Policy, described below.

#### ***Compassionate Billing Policy***

As a part of the administrative regulations, the City Manager, Fire Chief, or designee, shall establish a Compassionate Billing Policy by which: (a) for recipients with insurance to cover the cost of the fee, the City of San José will collect the fee from the insurer; and (b) for recipients without insurance to cover

the cost of the fee, the City of San José will subsidize the City of San José's costs of providing the services. Such policy will allow a reduction or waiver of the First Responder Fee Program fees due to a demonstrated financial hardship and may include a payment plan. A determination of a financial hardship shall be based on the most recent Federal Poverty Level chart provided by the Department of Health and Human Services.

B. The policy will allow the City of San José to accept payment from insurer(s) as the full payment for the recipient's fee obligation, based upon the recipient's financial hardship. In addition, should the City Manager, Fire Chief, or designee, become aware that a recipient is deceased, the City of San José will not pursue recovery of the First Responder Fee Program fees.

1. The City of San José shall accept payment of the First Responder Fee Program fees from the insurer as the full payment for the recipient's First Responder Fee Program obligation.
2. The City Manager, Fire Chief, or designee, may delegate some or all of the tasks required for the administration of the First Responder Fee Program fees.
3. When the City of San José provides services to a recipient, the City of San José shall bill the recipient and the insurer, if any, for payment of the First Responder Fee. In the case of a minor, the City of San José shall bill the parent or guardian of the recipient who received the services and the insurer, if the minor, or his or her representative, has identified to the Fire Department the minor's insurer.

**10.44.050 No effect on emergency medical first responder services.**

This chapter neither expands nor limits services provided by the City of San José through the Fire Department. Nothing in this chapter relieves the fire department from providing services. These services will continue to be provided without regard to whether a person is uninsured, insured by an insurer, has the ability to pay the first responder fee, or has or has not paid the first responder fee in the past.

**10.44.060 No waiver of other means of cost recovery.**

This chapter does not preclude the City of San José from recovering its costs for providing emergency response services in any other manner authorized by law.

**10.44.070 Non-exclusive remedy.**

Notwithstanding the provisions of this chapter, the City of San José shall not be prevented from taking any other civil or criminal action to abate the acts constituting a violation of this chapter, and all remedies at law and in equity remain reserved to the City of San José.

**10.44.080 Appeal.**

- A. Any person wishing to contest an invoice regarding the First Responder Fee Program imposed under this chapter must submit a written request for reconsideration to the City Manager, Fire Chief, or designee explaining the reasons for requesting reconsideration within 60 days of the date of receiving the invoice for the First Responder Fee Program. The City Manager, Fire Chief, or designee will make a final decision on the request for reconsideration and notify the party in writing of the decision within 60 days of receiving the request to reconsider.

- B. If the party contesting the invoice is dissatisfied with the City Manager, Fire Chief, or designee's final decision, that party may appeal in accordance with the San José Municipal Code Chapter 8.20.390. Accordingly, any appeal of the final decision must be submitted in writing to the City Clerk within 10 calendar days of issuance of the decision.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk