

SUMMARY OF AGENDA ITEM

DATE: December 21, 2007

SUBMITTED BY: Bob Lockhart

RESOLUTION #2353

TITLE: Memorandum of Understanding (MOU) between the Arizona Office of State Fire Marshal and the Town of Payson.

PURPOSE:

To formalize the existing partnership between the Town of Payson and the Office of the Arizona State Fire Marshal for construction plan review and inspections of school, state and county buildings.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

Two copies of a Memorandum Of Understanding (MOU) between the Office of the Arizona State Fire Marshal and the Town of Payson are required to be signed and dated by both parties to accomplish this common goal.

RECOMMENDED COUNCIL ACTION:

To read, confer, and sign the Memorandum of Understanding provided by the Office of the Arizona State Fire Marshal for the purpose of formalizing an existing partnership.

BACKGROUND:

House Bill 2401 was passed by the State of Arizona in 1998, enabling the state to create partnerships with local jurisdictions for construction plan review and inspections of school, state and county buildings. On October 15, 1999 the Payson Fire Department was given jurisdiction of all state buildings, county buildings, public schools, charter schools, and private schools within it's jurisdiction.

The Office of the State Fire Marshal recognized in 2006 that assumption of authority for plan reviews and inspections required a more formal agreement. The Memorandum of Understanding has conditions that provide for quarterly reports of inspection and plan review activities and when necessary, copies of relevant fire inspection records. These conditions are necessary to allow the Office of the State Fire Marshal to fulfill mandated statutory responsibilities; maintaining an accurate database of school, state and county buildings and a current record of the "regularly scheduled" fire inspection report for each building.

The Memorandum of Understanding contains language that is universally required of all jurisdictions and is not subject to change.

Beginning January 1, 2008, the authority for construction plan review and inspection of school, state and county buildings by partner jurisdictions will be authorized only under an approved Memorandum of Understanding.

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RESOLUTION NO. 2353

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA OFFICE OF STATE FIRE MARSHAL PROVIDING FOR REVIEW OF PLANS FOR CONSTRUCTION, REMODELING, ALTERATIONS AND ADDITIONS TO STATE, COUNTY AND PUBLIC SCHOOL BUILDINGS BY THE PAYSON FIRE DEPARTMENT ON BEHALF OF THE ARIZONA OFFICE OF STATE FIRE MARSHAL.

WHEREAS, the State of Arizona has adopted the International Fire Code 2003 edition as the Arizona State Fire Code; and

WHEREAS, Payson Fire Department personnel are proficient in the understanding, interpretation and application of that Fire Code; and

WHEREAS, the Arizona Office of State Fire Marshal is charged with conducting regularly scheduled inspections of state and county owned buildings and public and private schools throughout Arizona; and

WHEREAS, the Arizona Office of State Fire Marshal is charged with the review of plans and specifications for new construction, remodeling, alterations and additions and performing inspections in conjunction therewith for state, county and public school buildings and grounds; and

WHEREAS, the Payson Fire Department and Arizona Office of State Fire Marshal desire to cooperate in the duties which each is charged to conduct; and

WHEREAS, for such purpose, a Memorandum of Understanding has been prepared,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. That the Memorandum of Understanding between the Arizona Office of State Fire Marshal and the Town of Payson, attached hereto marked Exhibit "A" and made a part hereof by this reference, be and is hereby approved in substantially the form as attached.

Section 2. That F. Robert Edwards, Mayor of the Town of Payson, be and is hereby authorized to execute said Memorandum of Understanding in substantially the form attached as Exhibit "A".

Prepared by Town of Payson Legal Department

SIS.drs December 24, 2007 (9 32AM)

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Section 3. That the Town of Payson be and is hereby authorized to take and perform such other and further actions as are necessary or appropriate to carrying out the purposes of this Resolution and the terms of said Memorandum of Understanding.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this ____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

EXHIBIT "A"

to Resolution No. 2353

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the Arizona Office of State Fire Marshal and the City of Payson, Arizona Fire Department concerning the review of plans for construction, remodeling, alterations and additions (collectively referred to as "plans") of state, county and public school buildings and grounds [A.R.S. § 41-2163(C)] and the inspections performed in conjunction therewith; as well as regularly scheduled inspections of state and county owned buildings and all public and private schools [A.R.S. § 41-2163(A)(4)].

I. RECITALS

- A. Whereas the State has adopted the International Fire Code 2003 edition as modified by A.A.C. R4-36-201 as the Arizona State Fire Code, and all Fire Departments and Fire Districts must comply with the Arizona State Fire Code or a code adopted by the controlling political subdivision which is equivalent to or more stringent than the Arizona State Fire Code (collectively referred to as "Fire Code").
- B. Whereas the Payson Fire Department has personnel who have exhibited the necessary proficiency in the understanding, interpretation and application of that Fire Code, and
- C. Whereas the Arizona Office of State Fire Marshal is charged with conducting regularly scheduled inspections of state and county owned building and public and private schools throughout Arizona, and
- D. Whereas the Arizona Office of State Fire Marshal is charged with the review of plans and specifications for new construction, remodeling, alterations and additions and performing inspections in conjunction therewith for state, county and public school buildings and grounds, and
- E. Whereas the Payson Fire Department and Arizona Office of State Fire Marshal desire to cooperate in the duties which each is charged to conduct.

II. TERMS

- A. The Arizona Office of State Fire Marshal agrees to allow the Payson Fire Department to conduct review of plans for construction, remodeling, alterations and additions of state, county and public school buildings on behalf of the Office of State Fire Marshal and complete any inspections required in conjunction therewith.
- B. The Arizona Office of State Fire Marshal agrees to allow the Payson Fire Department to conduct regularly scheduled inspections of state and county owned buildings and all public and private schools on behalf of the Office of State Fire Marshal.
- C. The Payson Fire Department agrees to submit to the Office of State Fire Marshal, on a quarterly basis, but not later than July 31, October 21, January 31 and April 30, a list of each county and state owned facilities and schools for which the Payson Fire Department has reviewed and approved plans for new construction, remodeling, alterations and additions and/or performed an inspection.

- D. The Payson Fire Department agrees to submit to the Office of State Fire Marshal on a quarterly basis, not later than July 31, October 21, January 31 and April 30, a list of inspections of county and state owned facilities and schools to which the Payson Fire Department conducted a regularly scheduled inspection.
- E. In the course of completing its review or inspection, the Payson Fire Department may transmit the information either, electronically or by mail.
- F. At a minimum, all reports shall include the same information as the attached Notification of Inspection form. The Payson Fire Department may use the attached Notice of Inspection form approved by the Arizona Office of the State Fire Marshal or any other form which contains the equivalent information. Original forms and supporting documentation shall be kept by the Payson Fire Department for a period of 5 years after completion of the inspection and subject to audit by the State Fire Marshal.
- G. Any costs incurred by Payson Fire Department to implement this Memorandum of Understanding shall be borne by the Payson Fire Department.
- H. Payson Fire Department may collect such fees as permitted by its political subdivision. Any funds collected by the Payson Fire Department to implement this Memorandum of Understanding are made under the authority granted to that jurisdiction and are not subject to attachment by the Arizona Office of State Fire Marshal.
- I. This Memorandum of Understanding does not grant the authority to inspect installation or removal of underground fuel storage tanks. That task remains the sole authority and responsibility of the Arizona Office of State Fire Marshal as granted by the Arizona Department of Environmental Quality. The State Fire Marshal recognizes some Fire Departments have a separate agreement to perform such inspections for Arizona Department of Environmental Quality.
- J. This Memorandum of Understanding may be terminated by either party upon 30-days written notice to the other party.

ARIZONA STATE FIRE MARSHAL

_____, Dated _____

Printed Name: _____

Payson Fire Department

By: _____, Dated _____

Printed Name: _____

**ARIZONA OFFICE OF STATE FIRE MARSHAL
NOTIFICATION OF REVIEW / INSPECTION**

Type of Review / Inspection

- Construction/Installation Plan Review Annual Inspection of Public Building
 Construction/Installation Inspection Compliance Inspection of Public Building

Date of Review or Inspection: _____

Address: _____

Name of Facility: _____

Applicable Code: State Fire Code Other Code _____

Type of Construction / Installation: _____

Identified Violations: yes no

Verification of Corrections: yes Date: _____ not applicable

Inspector's Name: (Print) _____

Inspector's Signature _____

Forward Notification of Review / Inspection with quarterly report. Retain all other copies and supporting documents in department files.

APPROVAL AS TO FORM

The Town of Payson Legal Department has reviewed the foregoing Memorandum of Understanding and approved it as to form and has determined that said Memorandum of Understanding is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Dated: _____, 2007.

By _____
Samuel I. Streichman, Town Attorney