

City Council Agenda Items
and
Contracts, Leases or Agreements

12/4/2012

City Council Meeting Date
Agenda Items Only

David Dayringer

Fire

Submitted By

Division

Department

Action Required:

Staff recommends adoption of a resolution authorizing the withdrawal from the interlocal cooperation agreement for furnishing hazardous materials incident response services in Benton and Washington Counties. Start-up costs for initial Hazmat Truck and equipment are approximately \$105,000. FROM ACT 833 funds

\$ 105,000.00
Cost of this request

\$ 257,949.00
Category / Project Budget

Act 833 Funding
Program Category / Project Name

Account Number

\$ 10,000.00
Funds Used to Date

Program / Project Category Name

Project Number

\$ 247,949.00
Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

Paul C. Dayringer
Department Director

11-16-12
Date

Previous Ordinance or Resolution # _____

Joe Mally
City Attorney

11-16-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Babin
Finance and Internal Services Director

11-19-2012
Date

Received in City Clerk's Office 11-15-12 P12:18 RCVD
Kim G.

Don Man
Chief of Staff

11-20-12
Date

Received in Mayor's Office
ENTERED 11/16/12 BRP

Donald Jordan
Mayor

11/16/12
Date

Comments:

STAFF REVIEW MEMO

To: Mayor Jordan & City Administration

From: David Dayringer, Fire Chief

Date: November 14, 2012

Subject: A Resolution to withdraw from the interlocal cooperation agreement for furnishing hazardous materials incident response services in Benton and Washington Counties.

PROPOSAL:

In order to comply with Federal law, in March of 1989 the City entered into an interlocal cooperation agreement for furnishing hazardous materials incident response services in Benton and Washington Counties. Under this agreement a regional Hazardous Materials Response Team was created and has been maintained by the Northwest Arkansas Fire Chiefs Association, the member cities, and Washington and Benton Counties. This was a prudent move because at that time no single governmental jurisdiction had the manpower, hazmat training, equipment, protective clothing, or incident management system to safely mitigate a hazardous materials incident.

During the 23 years since the regional hazmat team was formed, the fire service industry, and the Fayetteville Fire Department have become proficient at responding to hazardous materials incidents. We now have the training, equipment, protective clothing, and have developed the incident management system necessary to safely mitigate hazardous materials incidents. The Fire Department now has all personnel trained in Hazmat response including 18 Hazmat Technicians with which to operate our own Hazmat Response Unit. In the event our resources are overwhelmed, we will call for help using our automatic and mutual aid agreements with regional agencies and through the Arkansas Fire Service Statewide Mutual Aid plan.

RECOMMENDATION:

Staff recommends adoption of a resolution authorizing the withdrawal from the interlocal cooperation agreement for furnishing hazardous materials incident response services in Benton and Washington Counties. This will become effective January 20, 2013. For hazardous material responses, the Fire Department has designated Engine 7 housed at Fire Station 7 as our Hazmat unit and will continue to utilize the Hazmat Trailer and equipment located there.

BUDGET IMPACT:

The Fire Department will incur an initial start-up cost of approximately \$ 105,000 to purchase a Hazardous Materials Response Truck and related equipment. The Fire Department will cover this cost with Act 833 funding and use the current annual Regional Hazmat fee of \$22,000 for ongoing expenses. This will amount to no budget increase and, after start-up costs, will have a positive impact to the Fire Department budget.

RESOLUTION NO. _____

A RESOLUTION PROVIDING NOTICE PURSUANT TO ARTICLE V OF THE INTERLOCAL COOPERATION AGREEMENT FOR THE PROVISION OF HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES IN BENTON AND WASHINGTON COUNTIES OF THE INTENTION OF THE CITY OF FAYETTEVILLE TO WITHDRAW ITS PARTICIPATION IN THE AGREEMENT EFFECTIVE SIX (6) MONTHS FROM THE DATE OF WRITTEN NOTIFICATION OF THE ADOPTION OF THIS RESOLUTION TO THE REMAINING PARTICIPANTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby provides notice pursuant to Article V of the Interlocal Cooperation Agreement for the Provision of Hazardous Materials Incident Response Services in Benton and Washington Counties of the intention of the City of Fayetteville to withdraw its participation effective six (6) months from the date of written notification of the adoption of this Resolution to the remaining participants.

PASSED and APPROVED this 4th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

RESOLUTION NO. 23-89

MICROFILMED

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT FOR FURNISHING HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES IN BENTON AND WASHINGTON COUNTIES.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the Mayor and City Clerk are hereby authorized and directed to execute an interlocal cooperation agreement for furnishing hazardous materials incident response services in Benton and Washington Counties. A copy of the agreement authorized for execution hereby is attached hereto marked Exhibit "A" and made a part hereof.

PASSED AND APPROVED this 21st day of March, 1989.

APPROVED

By: William V. Martin
Mayor

ATTEST

By: Suzanne McWetby
City Clerk



stringent requirements as "responders" to such incidents, making such responses very expensive and technically infeasible for any single political jurisdiction. It is our intent that the creation of an area-wide HMRT which could utilize shared personnel and resources would allow us a reasonable response capability within the requirements of the Federal rules.

ARTICLE III.

MANNER OF FINANCING

It is anticipated that there will be both an initial "start-up" cost and a recurring maintenance expense involved with an HMRT operation. The initial costs will include at least a vehicle, equipment, protective clothing, and training costs. This initial expense can be estimated at \$230,000. The recurring costs should not exceed \$150,000 annually for an estimated period of three (3) years. A budget for both the initial and annual costs will be submitted by the NWAFCAs annually on or near September 1. This budget shall be reviewed and considered by the County Intergovernmental Cooperation Councils (ICCs) (Act 510 of 1987). The ICCs will recommend a cost-sharing formula for the cities and counties. Each city and county will then present an appropriation ordinance to their legislative council. All appropriations to the HMRT shall be deposited with the Washington County Treasurer, who shall keep a separate fund for HMRT expenses. The NWAFCAs shall establish procedures for accessing those funds for both routine and emergency expenditures in accordance with current laws.

ARTICLE IV.

DURATION

The effective date of this agreement shall be 3/21/89 perpetual from that date unless terminated as provided in Article V.

ARTICLE V.

TERMINATION

Any participating agency may withdraw their participation in this government by six (6) months' written notice by the governing body. The HMRT may be terminated by a majority vote of both ICCs.

ARTICLE VI.

DISPOSITION OF PROPERTY

All property acquired by the HMRT shall remain in its possession until the HMRT is terminated. Upon termination of the HMRT, any acquired property will be properly liquidated as allowed by public law and assets returned to the political jurisdictions in a pro rate fashion as determined by the ICC.

AVOCA:

GARFIELD:

GATEWAY:

LITTLE FLOCK:

JOHNSON:

GOSHEN:

July 19, 2012

Northwest Arkansas Fire Chiefs Association

Re: Interlocal Cooperation Agreement for Furnishing Hazardous Materials Incident Response Services
in Benton and Washington Counties

This correspondence serves as notice to the member agencies of the Northwest Arkansas Fire Chiefs Association of the intent of the City of Fayetteville to withdraw its participation from the Regional Hazardous Materials Response Team. The effective date of such withdrawal is six months from the giving of this written notice pursuant to Article V of the agreement.

In accordance with Article V of the Interlocal Cooperation Agreement for Furnishing Hazardous Materials Incident Response Services in Benton and Washington Counties, we hereby notify all the member agencies of our intention to withdraw in six months time.

The Fayetteville Fire Department remains a steadfast member of the Metro Fire Chiefs Association and is committed to mutual and automatic aid throughout the region. In addition, the Fayetteville Fire Department is a participating partner in the Arkansas Association of Fire Chiefs Statewide Mutual Aid Plan.

Please do not hesitate to call on us for additional resources if you need them, just as we know we can count on the members of this organization to assist us in our hour of need.

Sincerely,

David C. Dayringer
Fire Chief
Fayetteville Fire Department

Cc: Mayor Lioneld Jordan

