

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: HC
Amend No. _____

Date Prepared: March 3, 2008 Council Meeting Date: March 18, 2008

TO: Terry Ellis, City Manager

THROUGH: Susan K Thorpe, Deputy City Manager, *SKT* Safety & Administrative Services

FROM: Robert McKibben, Fire Chief *RM*

PREPARED BY: Kimberly Drabik, Administrative Assistant

SUBJECT: MOU between the Arizona Office of State Fire Marshal and the City of Peoria Fire Department

RECOMMENDATION: The Peoria Fire Department requests that the City Council accept the Memorandum of Understanding (MOU) between the Arizona Office of State Fire Marshal and the City of Peoria Fire Department to conduct plan reviews and inspections of schools, state and county buildings within the boundaries of the City of Peoria.

SUMMARY: An MOU has been presented to the Peoria Fire Department by the Arizona Office of State Fire Marshal concerning the review of plans for construction, remodeling, additions and alterations of state, county and public school buildings and grounds [A.R.S. § 41-2163(C)] as well as the regular inspections of state and county owned buildings and all public and private schools [A.R.S. § 41-2163 (A)(4)]. This MOU allows for greater local oversight of occupancies within the jurisdiction and allows the Peoria Fire Marshal's office to hold these occupancies to the same code and standards as required by the rest of the city. This will allow the Peoria Fire Department to review all respective plans and conduct inspections of state and county owned buildings and all public and private schools on behalf of the Arizona Office of State Fire Marshal. The Peoria Fire Department agrees to submit periodic reports to the Arizona Office of State Fire Marshal on all reviewed and approved plans for new construction and remodel in addition to reports on all inspections performed. Additionally, the Arizona Office of State Fire Marshal grants the Peoria Fire Department the authority to collect fees for these services as permitted by their political subdivision. The Arizona Office of State Fire Marshal does not grant the Peoria Fire Department the authority to inspect, install or remove underground fuel storage tanks. This task will remain the sole authority and

CITY CLERK USE ONLY:

- Consent Agenda
- Carry Over to Date: _____
- Approved
- Unfinished Business (Date heard previous: _____)
- New Business
- Public Hearing: No Action Taken

ORD. # _____ RES. # _____
LCON# 02208 LIC. # _____
Action Date: _____

responsibility of the Arizona Department of Environmental Quality (ADEQ) unless a separate agreement exists between the Peoria Fire Department and ADEQ.

ATTACHMENTS:

MOU between the Arizona Office of State Fire Marshal and the City of Peoria
Fire Department

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is between the Arizona Office of State Fire Marshal and the City of Peoria 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 Peoria 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 Peoria 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 Peoria 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 Peoria 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 Peoria 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 Peoria Fire Department has reviewed and approved plans for new construction, remodeling, alterations and additions and/or performed an inspection.

- D. The Peoria 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 Peoria Fire Department conducted a regularly scheduled inspection.
- E. In the course of completing its review or inspection, the Peoria 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 Peoria 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 Peoria 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 the Peoria Fire Department to implement this Memorandum of Understanding shall be borne by the Peoria Peoria Fire Department.
- H. The Peoria Fire Department may collect such fees as permitted by its political subdivision. Any funds collected by the Peoria 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 2/20/08
 Printed Name: Philip C. Melo

Peoria Fire Department
 By: _____, Dated _____
 Printed Name: _____

MEMORANDUM OF UNDERSTANDING
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By:

Terrence L. Ellis, City Manager

ATTEST:

Mary Jo Kief, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

L **CON** 12208

**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.