

ORDINANCE NO. 2013-05-420

AN ORDINANCE APPROVING THE INTERLOCAL COOPERATION
AGREEMENT FOR HAZARDOUS MATERIALS INCIDENT RESPONSE
SERVICES IN WASHINGTON COUNTY FOR THE CITY OF TONTITOWN;

WHEREAS, the City of Tontitown, Arkansas, has chosen to accept the Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County;

WHEREAS, the City Council has determined it is necessary to approve the Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County; and

WHEREAS, the City Council finds it to be in the best interest of the City to accept Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County;

BE IT THEREFORE RESOLVED by the City Council of Tontitown, Arkansas, that the Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services in Washington County for the City of Tontitown, Arkansas is hereby approved and made part of the Code of Ordinances by reference and is attached hereto.

PASSED AND APPROVED this 7 day of May, 2013.

APPROVED:


Mayor

ATTEST:


City Recorder/ Treasurer

Sponsor: _____

INTERLOCAL COOPERATION AGREEMENT FOR HAZARDOUS MATERIALS
INCIDENT RESPONSE SERVICES IN WASHINGTON COUNTY

WHEREAS, Ark. Code Ann. 14-14-910 and 25-20-101, et seq., permit counties and cities to cooperate with each other in providing public services; and

WHEREAS, Public Law 99-499, the Superfund Amendments and Reauthorization Act of 1986 (SARA) and Occupational Safety and Health Administration (OSHA) 29 CFR Part 1910.120 place requirements on local governments concerning "emergency response" procedures to "hazardous substance" releases or incidents including, but not limited to procedures, equipment, training requirements, and protective clothing; and

WHEREAS, these requirements would place an extraordinary burden on any of the individual political jurisdictions in Washington County; and

WHEREAS, the parties to this agreement have previously been parties to a similar agreement including the various political jurisdictions of Benton County, which agreement terminated; and

WHEREAS, it is beneficial for the political jurisdictions in Washington County to jointly fund and operate a Hazardous Materials Response System in order to most efficiently, effectively, and economically deal with such incidents;

INTERLOCAL COOPERATION AGREEMENT-HAZMAT



Sent Council, Mayor
and Attorney

NOW, THEREFORE, this agreement is entered into by Washington County and the cities as indicated by Attachment "A" and signed by their respective chief elected official to provide for the formation of a Hazardous Materials Response System.

ARTICLE I.

ORGANIZATION & RESPONSE SERVICES

The Hazardous Materials Response Service shall be provided by a Hazmat Response Team (HRT) from the combined resources of the fire departments of Springdale and Fayetteville, (the HRT). The personnel selection, equipment, capital and other resource needs, as well as the policies and procedures, and all other administrative and operational issues will be determined by the two fire departments that comprise the HRT.

Primary response to unincorporated areas in the County and member Cities will be provided by a fully equipped and staffed HRT consisting of a minimum of six (6) personnel. Additional resources will be provided by the HRT based on incident requirements. This agreement will be administered by the Director of the Washington County Department of Emergency Management.

ARTICLE II.

PURPOSE

The purpose of this agreement is to allow Washington County and the cities within the county to provide an economical and efficient response to hazardous materials incidents.

ARTICLE III.

MANNER OF FINANCING

The Hazardous Materials Response System shall be financed by a per capita fee of thirty-eight cents based on the 2010 census to be paid by Washington County and member cities based on their respective populations (except for the cities of Fayetteville and Springdale).

All such appropriations to the Hazardous Materials Response System shall be deposited with the Washington County Treasurer in a Hazmat Fund and thereafter equally distributed to the Fire Departments of Fayetteville and Springdale.

In addition, training will be provided for fire departments in the County by the HRT or its designee to enhance their level of hazmat response and incident management coordination. The Washington County Department of Emergency Management will also participate in training coordination and hazmat emergency operations. Persons or entities responsible for any discharge as defined in A.C.A. §8-7-101 or otherwise responsible for a hazardous material emergency incident, as well as non-member Cities, will be billed through Washington County to recover costs incurred, such to be distributed by the Washington County Treasurer in accordance with this agreement.

Revenue recovered from the above billing process will be placed in the Hazmat Fund and used to recover the costs as invoiced by the Fire Departments comprising the HRT and other fire departments acting as first responders.

Washington County shall bill each member (except Fayetteville and Springdale) annually, for the per capita fee as setout above which shall be due and payable within thirty (30) days from the date of mailing.

ARTICLE IV.

TERMINATION & DURATION

Any party to this Agreement may withdraw their participation by giving six month's written notice to the Director of the Washington County Department of Emergency Management by Resolution enacted by respective governing bodies. Refunds of per capita fees will not be given. The Director shall promptly notify the other members. The entire Agreement may be terminated by a majority vote of the parties to the Agreement by written Resolution of their respective governing bodies; otherwise, the duration of this Agreement shall be perpetual.


ARTICLE V.

MISCELLANEOUS.

Any property acquired by the HRT remain property of the Fire Department of Fayetteville and Springdale in the event of a complete termination.

SIGNATORY PAGE

This Interlocal Cooperation Agreement for Hazardous Materials Incident Response Services has been approved by resolution of the Quorum Court or City Council of the jurisdictions listed below and is entered into by their Chief Executive Officers:

 _____
Tontitown Mayor 2/29/2017 Date

This Agreement shall be submitted to legal counsel for each party pursuant to A.C.A. §14-14-910(d).

The HRT shall provide a report at each quarterly meeting of the Washington County Fire Association.