



Legislation Text

File #: 16-0954, **Version:** 1

Resolution to Approve the Restated and Amended Hazardous Materials Response Authority Agreement for Washtenaw County and Adjacent Communities

The attached Resolution authorizes the City of Ann Arbor to continue as part of the Hazardous Materials Response Authority and approval of the Restated and Amended Agreement for the Authority which would extend the term of the Authority through 2031.

Fiscal/Budget Impact: Annual dues are paid by participating entities to offset recurring insurance costs. Cost recovery assessments are invoiced to the requesting fire department for response expenses of the HazMat Team and in turn billed to responsible parties under the City's adopted cost recovery ordinance. Annual dues are budgeted in the approved Fire Department budget.

In August 1992, Washtenaw County was faced with an increasing number of chemical accidents occurring throughout the community. When presented with the response statistics, several workgroups and committees were established, which resulted in a proposed Inter-local agreement between the government bodies in Washtenaw County creating a Hazardous Materials Response Authority with the County Emergency Management Division assuming the role of fiduciary agent support of the effort administratively. The Emergency Management Division accepted this role as it was clear that such a team was needed in the community.

Five governmental entities agreed to form the Authority under Michigan's Urban Cooperation Act, (MCLA 124.501, et. seq.). These entities were Washtenaw County, City of Ann Arbor, City of Ypsilanti, Ypsilanti Charter Township and Pittsfield Township. The City of Ann Arbor's participation as an enabling public agency for the Hazardous Materials Response Authority was approved on September 16, 1996 by City Council (Resolution R-422-9-96). The other four enabling public entities also approved the Inter-local Agreement and pursuant to the Urban Cooperation Act, the Inter-local Agreement was sent to the Governor's Office where it was ultimately approved by the Governor on October 23, 1996.

The Authority Board was charged with developing, implementing and managing a County-wide hazardous materials response team. Team members were recruited from Washtenaw County's local fire departments. After several months of equipment acquisition and training, the Team became response capable 24-hours a day in December, 1999. The HazMat Team currently responds to chemical emergencies anywhere in Washtenaw County 24-hours a day, 7-days a week with 40 highly trained team members. The team has responded to 125 chemical emergencies over the past ten years.

The original term of the Inter-local Agreement creating the Hazmat Authority was for ten (10) years, expiring on May 10, 2006. Under Section 8.7 of the Inter-local Agreement creating the Hazmat Authority, the parties to the Agreement agreed to extend the Hazmat Authority and Team for an additional ten (10) years in May of 2006. On April 19, 2016, the Washtenaw County Hazardous Materials Response Team Authority Board unanimously agreed to continue working collaboratively

under the Urban Cooperation Act for an additional fifteen years. It is proposed that the City of Ann, along with the other existing four enabling governmental entities, approve a restated and amended agreement which would continue and extend the terms of the Agreement for fifteen (15) years, expiring in 2031.

The Restated and Amendment Agreement includes the following changes to the original Agreement:

- ARTICLE ONE - RECITALS was divided into RECITALS, and ARTICLE ONE - NAME AND PURPOSE; and these sections were revised to more clearly explain the transition from the original agreement to the new agreement
- Section 3.1 "The Charter Township of Pittsfield Fire Marshall" was changed to read "The Charter Township of Pittsfield Fire Chief" [title change only]
- Section 3.6, the second sentence now reads, "Action is to be taken by the affirmative vote of a majority of a quorum."
- Section 4.1, the departmental names were updated/corrected for the Office of Water Resources Commissioner, Washtenaw County Sheriff Emergency Services Division and Washtenaw County Environmental Health Division
- Section 4.3, same as above, add "of a quorum" to the end of the sentence.
- Extent of Agreement under ARTICLE EIGHT - MISCELLANEOUS was updated to read "There are no other representations, warranties, promises, guarantees or oral or written, expressed or implied, agreements between the parties concerning the subject matter of this agreement."
- Section 8.5 was changed from a ten year to a fifteen year Agreement duration, commencing on the date of execution of the Agreement
- "This Agreement has been negotiated on behalf of the Participants by their respective officers pursuant to authority delegated to them and by their respective governing bodies and is executed with the approval of the respective governing bodies." was added as the conclusion to this agreement.

All other terms and conditions of the original Inter-local Agreement remain unchanged.

By approving the Restated and Amended Agreement, City Council, with its government partners, would insure that the Hazmat Authority and Team would continue to seamlessly provide the critical response to hazardous materials incidents that the citizens of the County have come to expect.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Larry Collins, Fire Chief

Approved by: Howard S. Lazarus, City Administrator

Whereas, On September 16, 1996, City Council approved Resolution R-422-9-96 authorizing the City to become an enabling public agency for the Washtenaw County Hazardous Materials Response Authority;

Whereas, Ann Arbor joined Washtenaw County, the City of Ypsilanti, and the Charter Townships of Pittsfield and Ypsilanti in the creation and maintenance of an Authority to assist local fire department by providing on scene support to the ranking fire department official within a jurisdiction for the purpose of confining, containing or otherwise stopping environmentally dangerous chemical releases, and to provide hazardous rescue, when possible, excluding environmental remediation actions;

Whereas, The Hazmat Authority has recruited members from Washtenaw County's fire departments

that attend extensive training and serve on the Hazmat Team;

Whereas, The HazMat Team currently responds to chemical emergencies anywhere in Washtenaw County 24-hours a day, 7 days a week with 40 highly training team members;

Whereas, The Inter-local Agreement between the enabling public agencies was originally for ten years, which each of the five enabling government entities subsequently extended for an additional ten years, expiring in 2016;

Whereas, Washtenaw County has identified 48 commercial facilities that possess significant quantities of chemicals that could pose an immediate danger to life and health of the community if released and there is a continuing need for the Hazmat Authority and its highly trained team;

Whereas, On April 19, 2016, the Washtenaw County Hazardous Materials Response Team Authority Board unanimously agreed to continue to work collaboratively under the Urban Cooperation Act for an additional fifteen (fifteen) year duration; and

Whereas, Annual dues for the Authority have been budged in the approve FY17 budget and will continue to be if the Restated and Amended Agreement which continues the City's participation in the Authority is approved by City Council;

RESOLVED, That the Ann Arbor City Council approve the Restated and Amended Hazardous Materials Response Authority Agreement for Washtenaw County and Adjacent Communities, continuing the City's participation in the Authority, expiring in 2031;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execution the Agreement subject to approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the Fire Chief, or his designee, shall continue to be the City's representative on the Authority during the restated term.