AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
SEPTEMBER 19, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION AT OR AFTER 5:00 PM - pursuant to ARS 38-431.03(A)(1) to discuss personnel matters – Town Attorney's retirement and potential recruitment

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS
- **Spotlight on Youth**

DEPARTMENT REPORTS

The Mayor and Council may consider and/or take action on the items listed below:

ORDER OF BUSINESS - MAYOR WILL REVIEW THE ORDER OF THE MEETING

INFORMATIONAL ITEMS

1. Council Trip Report 2012 Arizona League Annual Conference

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda.*** Pursuant to the Arizona Open Meeting Law, individual Council members may ask Town staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

CONSENT AGENDA
(Consideration and/or possible action)

A. Fiscal Year 2012/13 Financial Update Through July 2012

B. Appointment to the Planning and Zoning Commission

C. Request for approval of a two-year extension of the Development Plan for Big Horn Commerce Center located on the southeast corner of Oracle Road and Ram's Field Pass

D. Resolution No. (R)12-53, Authorizing and approving the revised Town of Oro Valley Emergency Operations Plan

E. Rescinding Resolution No. (R)12-44, A Financial Participation Agreement Between the Town of Oro Valley and TREO

REGULAR AGENDA

1. PUBLIC HEARING: ORDINANCE NO. (O)12–13, RELATING TO REDUCED SPEED LIMITS IN CONSTRUCTION ZONES; AMENDING ORO VALLEY TOWN CODE BY AMENDING SECTION 11-3-3 (B) AND ADDING SECTION 11-3-19, "CONSTRUCTION ZONE SPEED LIMITS"

2. <u>AMENDMENTS TO THE "WATER CODE", CHAPTER 15 OF THE ORO VALLEY TOWN CODE</u>

   a. RESOLUTION NO. (R)12-54, A RESOLUTION DECLARING THE PROPOSED AMENDMENTS TO THE "WATER CODE", CHAPTER 15 OF THE ORO VALLEY TOWN CODE AT SECTIONS 15-12-1 THROUGH 15-12-5 AND SECTIONS 15-13-1 AND 15-13-2 ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

   b. PUBLIC HEARING: ORDINANCE NO. (O)12-14, AMENDING CHAPTER 15, WATER CODE OF THE ORO VALLEY TOWN CODE, SECTIONS 15-12-1 THROUGH 15-12-4 AND ADDING SECTION 15-12-5; AND SECTIONS 15-13-1 THROUGH 15-13-2

3. MOTION FOR RECONSIDERATION OF THE SEPTEMBER 5, 2012 APPROVAL OF ORDINANCE NO. (O)12-11, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.9, DESIGN REVIEW, SECTION 22.10, GRADING PERMIT PROCEDURES AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.7, OFF STREET PARKING

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

CALL TO AUDIENCE – At this time, any member of the public is allowed to address the Mayor and Town Council on any issue ***not listed on today's agenda.*** Pursuant to the Arizona Open Meeting Law, individual Council members may ask Town staff to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "Call to Audience." In order to speak during "Call to Audience" please specify what you wish to discuss when completing the blue speaker card.

ADJOURNMENT

POSTED: 9 12 12 at 5:00 PM by tlg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the Town Clerk's Office between the hours of 8:00 a.m. – 5:00 p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Mayor.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during "Call to Audience," please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During "Call to Audience" you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.

Town Council Regular Session **Item # 1.**

Meeting Date: 09/19/2012

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

Council Trip Report 2012 Arizona League Annual Conference

Attachments

Council Trip Report 2012 Arizona League Annual Conference

Office of the Mayor & Town Council

Trip Report

Purpose:
2012 League of Arizona Cities and Towns Annual Conference

Date:
August 28 – August 31, 2012

Location:
Hyatt Regency at Gainey Ranch Resort
Scottsdale, AZ

Attendees:
Mayor Satish Hiremath
Vice Mayor Lou Waters
Councilmember Brendan Burns
Councilmember Bill Garner
Councilmember Joe Hornat
Councilmember Mary Snider
Councilmember Mike Zinkin
Town Manager Greg Caton

Summary:

The 2012 League of Arizona Cities and Towns Annual Conference was hosted by the City of Scottsdale, Arizona. The theme of this year's conference was "75 Years: Building on the Past, Preparing for the Future."

The conference was attended by elected officials and guests from cities and towns across Arizona. Highlights of the conference included: a Legislative Heroes recognition luncheon; and over 20 sessions dealing with issues of importance to local, regional and statewide officials. The conference "schedule at a glance" is attached.

Report submitted to the Town Clerk on September 7, 2012.

Satish I. Hiremath
Mayor

2012 LEAGUE ANNUAL CONFERENCE

75 YEARS: BUILDING ON THE PAST, PREPARING FOR THE FUTURE

CELEBRATING 75 YEARS
Serving Arizona Cities and Towns
1937 ★ 2012

AGENDA

TUESDAY, August 28

8:00 a.m. - Golf Tournament — Gainey Ranch Golf Club

1:30 p.m. - Resolutions Committee — Arizona Ballroom

6:00 p.m. - Welcome Reception — Arizona Ballroom

WEDNESDAY, August 29

7:30 a.m. - Parade of Flags Practice — Vaquero Ballroom

8:30 a.m. - Youth Program — Arizona Ballroom 1, 2 & 3

9:00 a.m. - Opening General Session — Vaquero Ballroom

12:00 noon - Lunch On Your Own

2:00 p.m. - CONCURRENT SESSIONS
- Arizona Sustainability Update — Vaquero A
- Water/Wastewater Treatment: Kingman & Scottsdale — Vaquero B
- Smart Growth, Sustainability and Transit — Vaquero C
- State Agency Update: ASRS/PSPRS/EORP — Vaquero E
- Legislative 101 — Vaquero F

3:30 p.m. - CONCURRENT SESSIONS
- Mexico – Arizona's #1 Trading Partner — Vaquero A
- Flinn-Brown Civic Leadership Academy — Vaquero B
- Community Plan — Vaquero C
- State Agency Update: State Liquor Board — Vaquero E
- The Changing Face of Aviation in Arizona — Vaquero F

4:00 p.m. - Mobile Tour: Scottsdale's Water Campus

6:00 p.m. - Showcase of Cities and Towns — Arizona Ballroom

THURSDAY, August 30

8:00 a.m. - Spouse/Guest Mobile Tour: Taliesin West — Dunes A

8:00 a.m. - CONCURRENT SESSIONS
- Fundamentals of Local Gov't: Open Meeting Law — Vaquero A
- Online Retail Sales — Vaquero B
- Procuring Solar Energy — Vaquero C
- State Agency Update: SB1402 & Digital AZ Plan — Vaquero E
- On the Ballot and in the News — Vaquero G

10:00 a.m. - CONCURRENT SESSIONS
- Fundamentals of Local Gov't: Ethics — Vaquero A
- Effective Mayor, Council and Manager Relationships — Vaquero B
- City of Tucson v. State of Arizona — Vaquero C
- O'Connor House Voter Participation Project — Vaquero E
- Water Planning: Preparing for the Next 75 Years — Vaquero F

12:00 noon - General Luncheon — Arizona Ballroom
- Legislative Heroes Will Be Recognized
- 2012 Gabe Zimmerman Public Service Awards

2:30 p.m. - CONCURRENT SESSIONS
- Website Design — Vaquero A
- Councils Going Paperless — Vaquero B
- Arizona – A Hot Place for Cool People — Vaquero C
- The Impact of Costly Claims — Vaquero E
- League 2012 Legislative Report and Look Ahead — Vaquero F

2:30 p.m. - AFFILIATE GROUP MEETINGS
- Arizona City Attorneys Association — Arroyo
- Arizona COG Directors — Dunes A
- Arizona Public Information Officers (PIO) — Dunes B
- Greater Arizona Mayors Association (GAMA) — Sonoran

4:00 p.m. - Mobile Tour: Taser International

4:00 p.m. - Annual Business Meeting — Vaquero G

6:00 p.m. - Dinner and Entertainment — Arizona Ballroom

FRIDAY, August 31

9:00 a.m. - Economic Development — Arizona Ballroom

12:00 noon - Adjourn Conference

Town Council Regular Session **Item # A.**

Meeting Date: 09/19/2012

Requested by: Stacey Lemos **Submitted By:** Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2012/13 Financial Update Through July 2012

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

In the General Fund (please see Attachment A), July revenues totaled $2.1 million, or 7.8% of the budget amount of $26.7 million. July expenditures totaled $1.1 million, or 4.4% of the budget amount of $26.3 million. The General Fund financial report reflects budget modifications showing the Council-approved transfers of funding sources for the Aquatic Center Project. These transfers of funding sources, approved on June 20th, included $386,000 from the Council Designated Reserve Funds and $524,000 from the General Fund contingency reserves, for a total of $910,000 in funds transferred from the General Fund to the Aquatic Center Project Fund. This $910,000 transfer is reflected in the first column, below the **Expenditures** section as **Transfers Out**.

In the Highway Fund (please see Attachment B), July revenues totaled $260,277, or 7.8% of the budget amount of $3.3 million. July expenditures totaled $96,004, or 2.6% of the budget amount of $3.7 million.

In the Bed Tax Fund (please see Attachment C), July revenues totaled $50,979, or 6.5% of the budget amount of $788,000. July expenditures totaled $7,311, or 1.6% of the budget amount of $472,000. As with the General Fund above, the Bed Tax fund report similarly reflects the Council-approved transfer of $300,000 from the Bed Tax contingency reserves to the Aquatic Center Project Fund.

BACKGROUND OR DETAILED INFORMATION:

General Fund

Attachment A shows General Fund revenues and expenditures through July, as well as year-end estimates for each category. The original adopted General Fund budget for FY 2012/13 showed a slight surplus of $71,022. The revised budget totals shown on Attachment A reflect the use of General Fund contingency reserves of $524,000 for the Aquatic Center Project, netted with the original $71,022 surplus, for a revised budgeted deficit (or decrease in fund balance) of $452,976. The Council Designated Reserve funds were already categorized as a budgeted expenditure within the General Administration budget, so the transfer of $386,000 of those funds does not impact the overall year-end fund balance.

The estimated year-end projections in the General Fund are as follows:

Revenues	$ 26,680,592

Less:	
Expenditures	(26,015,670)
Less:	
Other Financing Uses	(868,577)
Est. Decrease in Fund Balance	**($ 203,655)***

***This estimated year-end decrease in fund balance is more favorable than the budgeted decrease mentioned above of $452,976 due to expenditures anticipated to come in under budget from vacancy savings.**

General Fund Revenues

- Revenues are estimated to come in on budget at this point only one month into the fiscal year, however, staff will continue to monitor revenue collections and may adjust year-end estimates based on actual trends.
- Local Sales Tax collections in the General Fund total $1,038,965, which is $190,449, or 22%, more than the amount collected in FY 11/12 through July. This increase is due to the utililty tax increase that became effective in August of 2011.
- State shared revenue collections total $762,801, which is $80,530, or 12%, more than the amount collected in FY 11/12 through July.

Highway Fund Revenues

- Construction tax revenues in the Highway Fund totaled $29,704 for July, approximately $5,065, or 21% more than the amount collected in FY 11/12 through July.
- State shared highway user funds totaled $198,080, which is flat to the amount collected last July.

Bed Tax Fund Revenues

- Bed tax revenues totaled $50,979 for July, which is $8,041, or 16%, less than the amount collected in FY 11/12 through July.

General Fund Expenditures

- Expenditures are estimated to come in under budget by $249,321, or by about 0.9%, due to projected vacancy savings. Please note that vacancy savings are estimates and are subject to change.

Highway Fund Expenditures

Expenditures are estimated to come in under budget by $19,783, or by about 0.5%, due to projected vacancy savings.

Bed Tax Fund Expenditures

Expenditures are estimated to come in under budget by $33,741, or by about 7.2%, due to projected vacancy savings.

Please see Attachments A, B, and C for additional detail on the General Fund, Highway Fund and Bed Tax Fund. See Attachment D for estimated vacancy savings, and Attachment E for a fiscal year-to-date consolidated summary of all Town funds.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

General Fund
Highway Fund
Bed Tax Fund
Vacancy Savings Report
Summary All Funds

ATTACHMENT A

July YTD Financial Status

FY 2012/2013

General Fund

% Budget Completion through July --- 8.3%

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	1,038,965	12,327,995	8.4%	12,327,995	-	0.0%
LICENSES & PERMITS	129,453	936,469	13.8%	936,469	-	0.0%
FEDERAL GRANTS	29,457	983,000	3.0%	983,000	-	0.0%
STATE GRANTS	5,386	1,014,042	0.5%	1,014,042	-	0.0%
STATE/COUNTY SHARED	762,801	9,175,117	8.3%	9,175,117	-	0.0%
OTHER INTERGOVERNMENTAL	-	613,413	0.0%	613,413	-	0.0%
CHARGES FOR SERVICES	110,956	1,217,556	9.1%	1,217,556	-	0.0%
FINES	14,718	190,000	7.7%	190,000	-	0.0%
INTEREST INCOME	-	89,000	0.0%	89,000	-	0.0%
MISCELLANEOUS	1,702	134,000	1.3%	134,000	-	0.0%
TOTAL REVENUES	**2,093,437**	**26,680,592**	**7.8%**	**26,680,592**	**-**	**0.0%**

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
COUNCIL	61,733	224,618	27.5%	224,618	-	0.0%
CLERK	10,948	322,779	3.4%	321,989	(790)	-0.2%
MANAGER	19,847	728,645	2.7%	638,568	(90,077)	-12.4%
HUMAN RESOURCES	18,778	496,156	3.8%	464,107	(32,049)	-6.5%
FINANCE	29,004	744,111	3.9%	735,131	(8,980)	-1.2%
INFORMATION TECHNOLOGY	48,393	1,213,633	4.0%	1,213,633	-	0.0%
GENERAL ADMINISTRATION	99,589	1,859,094	5.4%	1,859,094	-	0.0%
LEGAL	26,420	816,559	3.2%	784,111	(32,448)	-4.0%
COURT	33,147	757,629	4.4%	757,629	-	0.0%
DEV & INFRASTRUCTURE SVCS	120,674	3,803,751	3.2%	3,779,448	(24,303)	-0.6%
PARKS, REC, LIBRARY, & CULT RSCS	118,715	2,630,112	4.5%	2,603,689	(26,423)	-1.0%
POLICE	556,199	12,667,904	4.4%	12,633,653	(34,251)	-0.3%
TOTAL EXPENDITURES	**1,143,447**	**26,264,991**	**4.4%**	**26,015,670**	**(249,321)**	**-0.9%**
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	**949,991**	**415,601**		**664,922**	**249,321**	
TRANSFERS IN						
Bed Tax Fund - Gen Fund Allocation	-	176,747	0.0%	176,747	-	0.0%
TRANSFERS OUT						
Aquatic Center Project Fund	(910,000)	(910,000)	0.0%	(910,000)	-	0.0%
Debt Service Fund	-	(135,324)	0.0%	(135,324)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	**(910,000)**	**(868,577)**	**104.8%**	**(868,577)**	**-**	**0.0%**
CHANGE IN FUND BALANCE	**39,991**	**(452,976)**		**(203,655)**	**249,321**	
BEGINNING FUND BALANCE						
Assigned - CARF Carryforward		-		-	-	
Assigned - Comp. Absences & Unemploy Resrv		*1,591,277*		*1,591,277*	-	
Unassigned		*9,769,616*		*9,769,616*	-	
TOTAL BEGINNING FUND BALANCE		***11,360,893***		***11,360,893***	**-**	
ENDING FUND BALANCE **						
Assigned - CARF Carryforward		-		-	-	
Assigned - Comp. Absences & Unemploy Resrv		*1,591,277*		*1,591,277*	-	
Unassigned		*9,316,640*		*9,565,961*	*249,321*	
TOTAL ENDING FUND BALANCE **		***10,907,917***		***11,157,238***	***249,321***	

* Year-end estimates are subject to further revision

** Ending Fund balance amounts are estimates and are subject to further revision

ATTACHMENT B

July YTD Financial Status

FY 2012/2013

Highway Fund

% Budget Completion through July --- 8.3%

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	29,704	316,890	9.4%	316,890	-	0.0%
LICENSES & PERMITS	3,849	43,000	9.0%	43,000	-	0.0%
STATE GRANTS	8,395	260,000	3.2%	260,000	-	0.0%
STATE/COUNTY SHARED	198,080	2,480,005	8.0%	2,480,005	-	0.0%
CHARGES FOR SERVICES	19,124	229,493	8.3%	229,493	-	0.0%
INTEREST INCOME	-	7,000	0.0%	7,000	-	0.0%
MISCELLANEOUS	1,125	10,000	11.3%	10,000	-	0.0%
TOTAL REVENUES	**260,277**	**3,346,388**	**7.8%**	**3,346,388**	**-**	**0.0%**

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ADMINISTRATION	29,637	621,498	4.8%	621,498	-	0.0%
TRANSPORTATION ENGINEERING	21,028	1,616,873	1.3%	1,616,873	-	0.0%
PAVEMENT MANAGEMENT	3,781	102,051	3.7%	102,051	-	0.0%
STREET MAINTENANCE	19,160	784,005	2.4%	764,222	(19,783)	-2.5%
TRAFFIC ENGINEERING	22,399	545,402	4.1%	545,402	-	0.0%
TOTAL EXPENDITURES	**96,004**	**3,669,829**	**2.6%**	**3,650,046**	**(19,783)**	**-0.5%**
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	**164,273**	**(323,441)**		**(303,658)**	**19,783**	
TRANSFERS IN	-	-	0.0%	-	-	0.0%
TRANSFERS OUT						
TOTAL OTHER FINANCING SOURCES (USES)	**-**	**-**	**0.0%**	**-**	**-**	**0.0%**
CHANGE IN FUND BALANCE	**164,273**	**(323,441)**		**(303,658)**	**19,783**	
BEGINNING FUND BALANCE						
Restricted		*3,017,431*		*3,017,431*	*-*	
TOTAL BEGINNING FUND BALANCE		***3,017,431***		***3,017,431***	***-***	
ENDING FUND BALANCE **						
Restricted		*2,693,990*		*2,713,773*	*19,783*	
TOTAL ENDING FUND BALANCE **		***2,693,990***		***2,713,773***	***19,783***	

* Year-end estimates are subject to further revision

** Ending Fund balance amounts are estimates and are subject to further revision

July YTD Financial Status

FY 2012/2013

Bed Tax Fund

% Budget Completion through July --- 8.3%

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
REVENUES:						
BED TAXES	50,979	782,283	6.5%	782,283	-	0.0%
INTEREST INCOME	-	5,700	0.0%	5,700	-	0.0%
TOTAL REVENUES	**50,979**	**787,983**	**6.5%**	**787,983**	**-**	**0.0%**

	Actuals thru 01/2012	Budget	% Actuals to Budget	Year End Estimate *	YE $ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
ECONOMIC DEVELOPMENT	7,311	471,662	1.6%	437,921	(33,741)	-7.2%
TOTAL EXPENDITURES	**7,311**	**471,662**	**1.6%**	**437,921**	**(33,741)**	**-7.2%**
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	**43,668**	**316,321**		**350,062**	**33,741**	
TRANSFERS IN						
TRANSFERS OUT						
General Fund/Debt Svc Transfer	-	(194,810)	0.0%	(194,810)	-	0.0%
Aquatics Center Project Fund	(300,000)	(300,000)	100.0%	(300,000)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	**(300,000)**	**(494,810)**	**60.6%**	**(494,810)**	**-**	**0.0%**
CHANGE IN FUND BALANCE	**(256,332)**	**(178,489)**		**(144,748)**	**33,741**	
BEGINNING FUND BALANCE						
Committed		*622,918*		*622,918*	*-*	
TOTAL BEGINNING FUND BALANCE		***622,918***		***622,918***	***-***	
ENDING FUND BALANCE **						
Committed		*444,429*		*478,170*	*33,741*	
TOTAL ENDING FUND BALANCE **		***444,429***		***478,170***	***33,741***	

* Year-end estimates are subject to further revision
** Ending Fund balance amounts are estimates and are subject to further revision

ATTACHMENT D

FY 12/13 Town Vacancy Report as of July 31, 2012

Fund	Vacant FTEs	Estimated FY 12/13 Savings
General Fund	2.00	249,321
Highway Fund	0.00	19,783
Bed Tax Fund	0.00	33,741
Water Utility Fund	0.00	-
Stormwater Utility Fund	0.00	-

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH JULY 31, 2012

ATTACHMENT E

Fund	Actual FY 12/13 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru July, 2012
General Fund - Unassigned	9,769,616	2,093,437		2,093,437	910,444	747,199	273,438	122,365	-		2,053,447	9,809,606
General Fund - Assigned	1,591,277											1,591,277
Highway Fund - Restricted	3,017,431	260,277		260,277		72,543	23,461	-	-		96,004	3,181,704
Seizure & Forfeiture - State	464,183	-		-		-	1,799				1,799	462,384
Seizure & Forfeiture - Justice	593,904	-		-							-	593,904
Bed Tax Fund - Committed	622,918	50,979		50,979	300,000	5,481	1,830				307,311	366,586
Impound Fee Fund	-	2,550		2,550		1,827					1,827	723
Municipal Debt Service Fund	1,164,733	-		-			1,800			477,045	478,845	685,887
Oracle Road Debt Service Fund	3,592	870		870							-	4,462
Alternative Water Resources Dev Impact Fee Fund	1,735,163	201,457		201,457							-	1,936,620
Potable Water System Dev Impact Fee Fund	3,379,205	60,175		60,175							-	3,439,380
Townwide Roadway Development Impact Fee Fund	2,228,996	29,832		29,832							-	2,258,828
Parks & Recreation Impact Fee Fund	112,053	10,545		10,545							-	122,598
Library Impact Fee Fund	110,192	2,079		2,079							-	112,271
Police Impact Fee Fund	102,329	5,624		5,624				58,869			58,869	49,084
General Government Impact Fee Fund	119,993	-		-							-	119,993
Naranja Park Fund	258,821	-		-	250,000						250,000	8,821
Aquatic Center Project Fund	3,122,332	2,550	1,460,000	1,462,550			30				30	4,584,853
Benefit Self Insurance Fund	-	174,228		174,228			71,560				71,560	102,668
Recreation In-Lieu Fee Fund	155,830			-							-	155,830
Water Utility	10,002,917	359,301		359,301		98,867	310,058	30			408,955	9,953,263
Stormwater Utility	539,948	128		128		10,899	34,404	26,563			71,867	468,208
Fleet Maintenance Fund	-	53,232		53,232		3,074	3,145				6,219	47,014
Total	**39,095,434**	**3,307,265**	**1,460,000**	**4,767,265**	**1,460,444**	**939,891**	**721,525**	**207,828**	**-**	**477,045**	**3,806,733**	**40,055,966**

Town Council Regular Session **Item # B.**

Meeting Date: 09/19/2012

Requested by: Town Council **Submitted By:** Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Appointment to the Planning and Zoning Commission

RECOMMENDATION:

The selection committee for the Planning and Zoning Commission recommends the appointment of Thomas Drzazgowski to fill an unexpired term ending 12/31/13.

EXECUTIVE SUMMARY:

A vacancy has been created on the Planning and Zoning Commission due to a resignation and the appointment will be made to fill the unexpired term ending December 31, 2013. The Selection Committee consisting of Councilmember Hornat, PZC Chair Bob Swope and Planning Manager David Williams conducted interviews on September 12, 2012.

BACKGROUND OR DETAILED INFORMATION:

As outlined in the Oro Valley Town Code and the Oro Valley Zoning Code Revised, the Planning and Zoning Commission provides recommendations to the Town Council on matters related to the General Plan, zoning, conditional uses and other plans, policies, amendments and regulations. The Commission is enabled by Arizona Revised Statutes and serves as the planning agency for the Town.
The Commission is composed of seven members appointed by the Town Council and meets the first Tuesday of the month at 6:00 p.m. in Council Chambers.

Thomas Drzazgowski has been an Oro Valley resident for 8 years and has served on the Pima County Parks and Recreation Commission. Mr. Drzazgowski's application is attached.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE that Thomas Drzazgowski be appointed to the Planning and Zoning Commissionto fill an unexpired term ending 12/31/13.

Attachments

Application

P&Z

SEP 14'12PM 2:04 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application by assisting us in understanding how we can best use your talents and experience. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from the date of receipt. We thank you kindly for volunteering to serve the Town!

Please note: No volunteer shall serve on more than one standing Board at any time.

Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name DRZAZGOWSKI (Last) ~~John~~ Thomas (First) Jordan (Middle) _____ (Suffix)

Address 11125 N. Sand Pointe Dr (Street) Oro Valley (City) Az (State) 85737 (Zip)

Home Phone 520-991-4628 Business Phone 520-740-6922 Cellular Phone 520-991-4628

Number of Years in Oro Valley 8 Email Address tjd82676@aol.com

Signature [signature] Date 9-12-12

Please indicate the board or commission you wish to join: Planning + Zoning Commission

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

Parks + Rec Commission - Pima County

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

My experience working for Pima County Development Services has provided an extensive background for me to serve on the P+Z. I work with Pima County P+Z, Boards of Adjustments + ~~Board~~ Board of Supervisors

Have you attended the Community Academy or CPI? NO What Year? NA If not, are you willing to attend? YES

Briefly describe your educational/vocational background.

UofA - BA. Geography Minor - Finance, Math. ASU - Certified Public Manager program. AGTS - Supervisor Academy. My degree in Geography provides background which will assist on the Planning + Zoning Commission

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

2/23/11

Town Council Regular Session **Item # C.**

Meeting Date: 09/19/2012

Requested by: Rosevelt Arellano **Submitted By:** Rosevelt Arellano Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

Request for approval of a two-year extension of the Development Plan for Big Horn Commerce Center located on the southeast corner of Oracle Road and Ram's Field Pass

RECOMMENDATION:

Staff recommends approval with a condition requiring that the development plan be revised as necessary to meet current codes and ordinances at the time permits are applied for.

EXECUTIVE SUMMARY:

The applicant has requested a two year extension of the development plan approval for the proposed commercial project with restaurant and general retail. The development plan was originally approved by Town Council in March of 2006 and planned to be developed in two phases. To date, there has been no development of the site. A copy of the approved development plan is included as Attachments 1 and 2. The property owner's development plan extension request is included as Attachment 3.

BACKGROUND OR DETAILED INFORMATION:

Section 22.9.D.6 of the Oro Valley Zoning Code Revised provides that the development plan shall expire and become null and void after two years if a building permit has not been issued. An extension of the development approval of up to two years may be granted by the Town Council if the applicant files for the extension prior to expiration of the approval.

The Town Council has approved four one-year extensions of the development plan. As a basis for the previous and current requests, the applicant has cited economic hardship in the retail market, which has delayed decisions of potential users.

Site Conditions:

- 3.26 acre site is currently undeveloped land.
- The site is zoned C-1 Commercial.
- Access to this site is from both Oracle Road and Rams Field Pass.

Approvals to Date:

- 2004: Town Council approved a General Plan Amendment from Commerce Office Park to Commercial
- 2005: Town Council approved rezoning from Technological Park to C-1
- 2006: Town Council approved development plan
- 2008: Town Council approved development plan extension

• 2009: Town Council approved development plan extension
• 2010: Town Council approved development plan extension
• 2011: Town Council approved development plan extension

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve the request for a two year extension of the Development Plan for Big Horn Commerce Center to July 21, 2014, subject to the condition that the development plan shall be revised as necessary to meet current codes and ordinances at the time of a permit application, finding that the request for time extension meets Zoning Code requirements.

OR

I MOVE to deny the request for approval of a two year extension of the Development Plan for Big Horn Commerce Center, finding that _____.

Attachments

Approved Development Plan Sheet 1 of 2

Approved Development Plan Sheet 2 of 2

Extension of Time Request

GENERAL NOTES

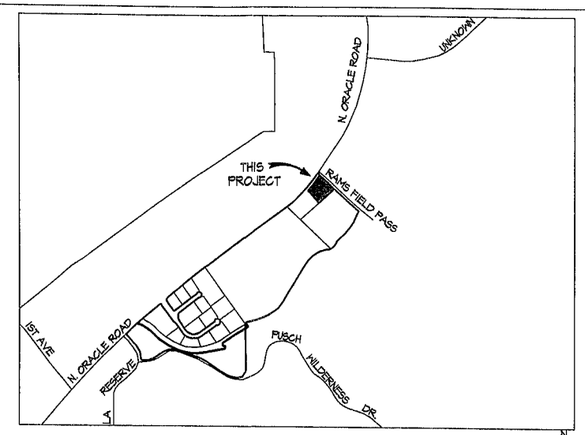
1. GROSS AREA OF DEVELOPMENT IS 5.254 ACRES
   NET BUILDING AREA= 27,905.42 SF.
2. ZONING C-1
3. BUILDING GROSS SQUARE FOOTAGE= 29,025 SF.
4. PARKING REQUIREMENTS. REFER TO SHEET 2 OF 2 FOR CALCS
   RESTAURANT = 6,000 SF/100 = 60
   GENERAL RETAIL = 22,925 SF/250 = 91.94
   TOTAL PARKING REQUIRED = 152 SPACES
   TOTAL PARKING PROVIDED = 152 SPACES
   ON SITE STANDARD PARKING SPACES MEASURE 9'X20' MIN. COMPACT PARKING SPACES MEASURE 8'X16'. HANDICAPPED PARKING SPACE MEASURE 15'X20' FOR ONE SPACE, 21'X20' FOR TWO ADJACENT PARKING SPACES. PARKING SPACES WILL NOT ENCROACH UPON A REQUIRED LANDSCAPE BUFFERYARD. PARKING SPACE ENCROACHING UPON A SIDEWALK, WILL HAVE A MINIMUM 4' CLEARANCE BETWEEN THE OVERHANG AND THE END OF THE SIDEWALK FOR PEDESTRIANS.
5. PROPERTY DEVELOPMENT STANDARDS C-1 COMMERCIAL DISTRICT
   FLOOR AREA RATIO: .2045
   - OPEN SPACE = 53.30%
   - TOTAL GROSS FLOOR AREA < .25 NET LOT AREA
   BUILDING VOLUME RATIO
   - OPEN SPACE= 47,226 SF. = 53.50% NET LOT AREA
   - AGGREGATE AREA OF THE BUILDINGS = 20.45% NET LOT AREA.
   - THE GROSS FLOOR AREA OF ANY ONE STRUCTURE DOES NOT EXCEED 19,000 SF.
   BUILDINGS HEIGHT= 25 FT.
   TOTAL OPEN SPACE PROVIDED= 47,226 SF.
6. BASIS OF BEARINGS:
   THE BEARING OF S41°24'52"E ALONG THE CENTERLINE OF RAMS FIELD PASS ROAD, AS SHOWN IN ALTA SURVEY BY DAVID L. PUTT, RLS 15014, ENTITLED "ALTA/ACSM LAND TITLE SURVEY, PORTIONS OF SECTIONS 5 & 8, T12S, R14E, G&SRM, PIMA COUNTY, ARIZONA", DATED JULY 25, 2002.
7. ELEVATION DATUM:
   A 3" ALUMINUM DISK ON EAST BARRIER WALL APPROXIMATELY 2.4' ABOVE ROADWAY AT THE SOUTHEAST CORNER OF THE ORACLE ROAD BRIDGE OVER THE CANYON DEL ORO WASH. PIMA COUNTY BENCHMARK (NAVD 88) ELEVATION = 2652.04 FEET.
8. NOTE: THE BOUNDARY AS SHOWN WAS RE-ESTABLISHED USING THE ALTA SURVEY COMPLETED BY DAVID PUTT, RLS 15014, DATED JULY 25, 2002, AND CONDITION OF TITLE AMENDMENT #4000S022-1T BY FIDELITY NATIONAL TITLE AGENCY, WITH AN EFFECTIVE DATE OF JANUARY 27, 2004.
9. DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING
10. DRAINAGE WILL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT THE APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
11. PROPERTY'S ASSOCIATION WILL BE FORMED TO ACCEPT RESPONSABILITY FOR MAINTENANCE, CONTROL, SAFETY AND LIABILITY OF PRIVATE DRAINAGEWAYS, DRAINAGE EASEMENTS AND COMMON AREAS.
12. DEVELOPMENT PLANS WILL BE SUBMITTED FOR COMMERCIAL LOTS OR PADS PRIOR TO ISSUANCE OF ANY PERMITS BY THE TOWN ENGINEER AND/ OR BUILDING OFFICIAL.
13. ANY RELOCATION, MODIFICATION, ETC. OF EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
14. ON-SITE SANITARY SEWERS WILL BE PRIVATE AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS. THE LOCATION AND METHOD ON CONNECTION TO AN EXISTING PUBLIC SANITARY SEWER IS SUBJECT TO REVIEW AND APPROVAL BY THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT AT THE TIME OF SUBMITTAL OF PLUMBING OR BUILDING PLANS.
15. ANY WASTEWATER DISCHARGED INTO THE PUBLIC SANITARY SEWERAGE SYSTEM SHALL MEET THE REQUIREMENTS OF THE INDUSTRIAL WASTE ORDINANCE (PIMA COUNTY ORDINANCE No. 1991-140, AS AMENDED).
16. FLOODPLAINS ARE NOT TO BE ALTERED OR FILLED.
17. THE WATER COMPANY THAT WILL SERVICE THIS DEVELOPMENT IS METROPOLITAN DOMESTIC WATER IMPROVEMENT DISTRICT.
18. ASSESSORS TAX PARCEL IS # 220-04-010M
    #220-04-010J (PORTION)
19. NO LIGHT POLES SHALL BE INSTALLED ALONG THE EASTERN PARKING BAY AGAINST THE RESIDENTIAL. GROUND LIGHTING TO BE PROVIDED.
20. ALL TRASH ENCLOSURES AND LOADING ZONES TO BE COMPLETELY SCREENED FROM THE ADJACENT RESIDENTIAL USES.
21. APPROVED IMPROVED PLANS AND APPROVED ASSURANCES WILL BE REQUIRED PRIOR TO ISSUANCE OF GRADING PERMITS.
22. THE PROPERTY OWNER, HIS SUCCESORS OR ASSIGNS AGREE TO 1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION, 2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS, AND 3) MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER.
23. THE APPROVAL OF THIS DEVELOPMENT PLAN SHALL BE EFFECTIVE FOR TWO YEARS AFTER THE DATE OF APPROVAL
24. DESIGN SPEED DOES NOT APPLY ON SITE. RAMS FIELD PASS DESIGN VEHICLE IS SU-30, MINIMUM DESIGN SPEED OF 15 MPH.
25. THE DEVELOPER SHALL PAY A FAIR SHARE FOR A TRAFFIC SIGNAL AT THE INTERSECTION OF ORACLE ROAD AND RAMS FIELD PASS.
26. NOTIFY BLUE STAKE 48 HOURS PRIOR TO CONSTRUCTION TO ESTABLISH THE EXISTING NATURAL GAS FACILITIES LOCATED IN ADJACENT R.O.W.
27. FIRE HYDRANTS CONNECTED TO AN APPROVED WATER SUPPLY OF 1,500GPM FOR FIRE PROTECTION, EITHER TEMPORARY OR PERMANENT, SHALL BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIALS DELIVERY TO THE SITE. TEMPORARY CONSTRUCTION OFFICE TRAILERS ARE CONSIDERED COMBUSTIBLE MATERIALS.
28. APPROVED FIRE APPARATUS ACCESS ROADS SHALL BE INSTALLED AND IN SERVICE PRIOR TO COMBUSTIBLE MATERIAL DELIVERY TO SITE.
29. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EA. STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE OF VEHICLES. ALL STRUCTURES UNDER CONSTRUCTION SHALL BE CLEARLY IDENTIFIED WITH AN APPROVED ADDRESS.
30. THE DEVELOPER WILL CONTACT THE USPS ORO VALLEY BRANCH TO COORDINATE THE PLACEMENT OF THE MAILBOX(ES) AND OBTAIN THE NECESSARY APPROVALS.
31. THIS PROJECT WILL HAVE 0 EXISTING AND 150 PROPOSED WASTEWATER FIXTURE UNIT EQUIVALENTS PER TABLE 13.20.045 (E)(1) IN PIMA COUNTY CODE 13.20.045(E)
32. A PROJECT CONSTRUCTION PERMIT MUST BE SECURED FROM PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT BEFORE BEGINNING ANYH WORK ON THIS PROJECT
33. THE OWNER WILL ALLOCATE 1% OF THE CONSTRUCTION COST FOR PUBLIC ART, AS OUTLINED IN ORO VALLEY ZONING CODE REVISED
34. PROHIBITED USES:
    - KENNELS FOR BOARDING
    - AUTOMOBILE PARTS STORE
    - GROCERY STORE
    - HARDWARE STORE
    - CLINIC WITH URGENT CARE FACILITY
    - FUNERAL CHAPEL
    - MOTEL OR HOTEL
    - THEATER
    - CONVENIENCE USE, FAST FOOD
    - CAR WASHES
    - INDOOR RECREATION
    - AUTO DETAILING
35. AN IN-LIEU FEE SHALL BE PROVIDED FOR A CONCRETE SIDEWALK ALONG ORACLE ROAD, SUBJECT TO REVIEW BY THE TOWN ENGINEER AND THE PLANNING AND ZONING ADMINISTRATOR
36. PROVIDE SECURITY BARRIERS FOR THE DETENTION BASING PER PCDOT 5.6.2. BASIN REQUIREMENTS

LEGEND

BUILDING ROOF OUTLINE
RETAINING WALL
LANDSCAPE WALL
(E) FENCE
SIDEWALK/PATIO
DECORATIVE CONCRETE
PROP. LINE
(E) WATER LINE — W —
(E) PUBLIC SEWER — (E)S —
PRIVATE SEWER LINE — S —
(E) SMH SEWER MANHOLE
GAS METER — GM
SEWER CLEANOUT — CO
GAS LINE — G —
TOP OF PARAPET — T.O.P.
WATER METER — W
SANITARY SEWER MANHOLE — S
TELEPHONE PEDESTAL — T
GUY WIRE
FOUND BRASS CAP
POWER POLE
WATER VALVE
FOUND MONUMENT AS NOTED
TELEPHONE PANEL
SIGN
CORNER NOT FOUND - SET 1/2" REBAR, RLS 24873

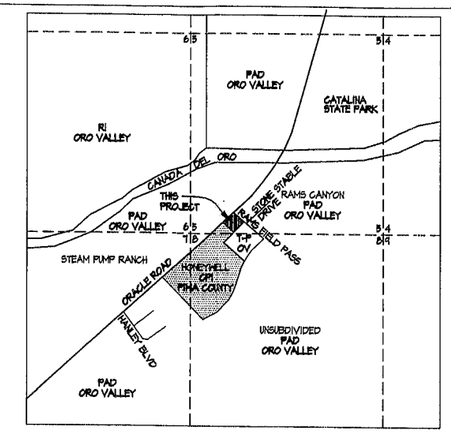
GRADING/UTILIY PLANS

	EXISTING	PROPOSED
TOP OF WALL ELEVATION		T/W XXXX
BOTTOM OF WALL ELEVATION		B/W XXXX
GUTTER ELEVATION	2515.60	XXXX
GRADE BREAK		GB XXXX
CURB HIGH POINT		HP XXXX
LOW POINT		LP XXXX
GRATE ELEVATION		GRATE XXXX
FINISH GRADE		FG=2514.61
FINISH FLOOR ELEVATION		FFE=2515.17
SPOT ELEV. BY AERIAL SURVEY	2872.6	
FOUND SURVEY MONUMENT		
SLOPE INDICATOR	Y	Y
RETAINING WALL		
FLOW LINE		
DIRECTION OF FLOW		
PATIO WALL		
ROCK RIP-RAP		
STORM DRAIN PIPE		
STORM DRAIN MANHOLE		
CATCH BASIN W/ CURB		
CATCH BASIN W/ APRON		
CATCH BASIN NO APRON		
CORRUGATED METAL PIPE		
GRADE BREAK LINE		
ASPHALT PAVEMENT		
EXIST. PUBLIC SEWER LINE	— (E)PS —	
6" PVC PRIVATE SEWER LINE		— PRS —



LOCATION MAP

A PORTION OF SECTIONS 5 & 8, T-12-S, R-14-E, G&SRM — 1" = 3 MILE



VICINITY MAP

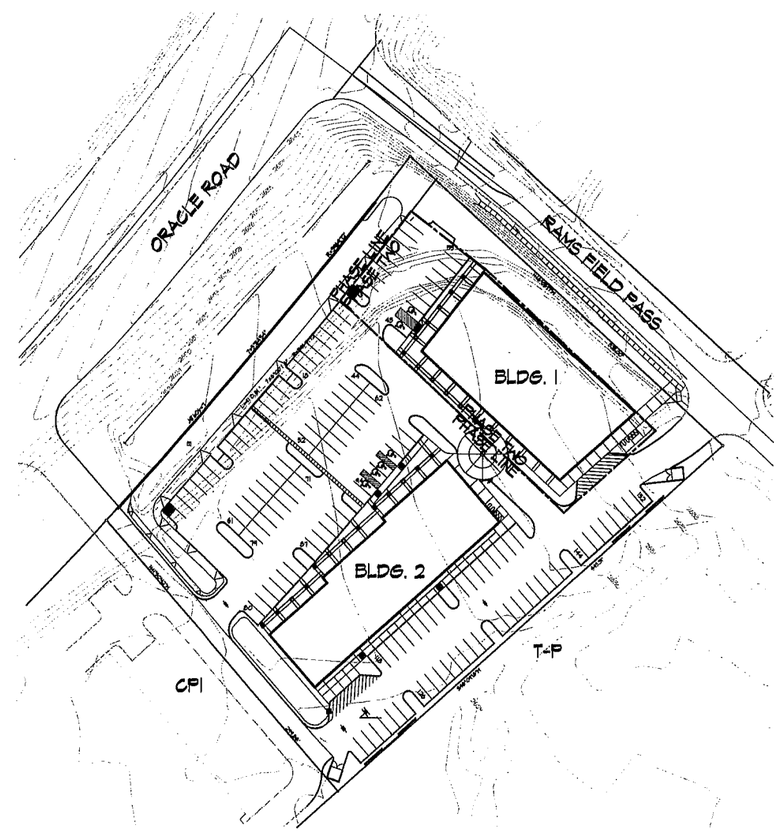
A PORTION OF SECTIONS 5 & 8, T-12-S, R-14-E, G&SRM — 5" = 1 MILE

SHEET INDEX

1 COVER SHEET / OVERALL SITE - DEV. PLAN
2 DEVELOPMENT PLAN

LEGAL DESCRIPTION

PARCELS 220-04-010M & A PORTION OF 220-04-010J
A PORTION OF THE SOUTHWEST QUARTER SECTION 5, TOWNSHIP 12 SOUTH, RANGE 14 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 5, BEING A FOUND 2-INCH ALUMINUM CAPPED PIPE,
THENCE S 84°55'21" E, ALONG THE SOUTH LINE OF SAID SECTION 5, A DISTANCE OF 840.36 FEET TO THE EAST RIGHT-OF-WAY LINE OF ORACLE ROAD (TUCSON-FLORENCE HIGHWAY), BEING A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, WITH A RADIAL BEARING WHICH BEARS N 57°04'52" W,
THENCE ALONG SAID CURVE, TO THE LEFT, HAVING A RADIUS OF 5419.12 FEET AND A CENTRAL ANGLE OF 4°54'58" FOR AN ARC DISTANCE OF 556.52 FEET TO A FOND NAIL, TAGGED "RLS 24597", BEING THE TRUE POINT OF BEGINNING;
THENCE N 41°50'42" W, A DISTANCE OF 6.53 FEET TO A SET "PK" NAIL AND WASHER, TAGGED "RLS 24873", BEING ON SAID EAST RIGHT-OF-WAY LINE OF ORACLE ROAD AND A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, WITH A RADIAL BEARING WHICH BEARS N 47°10'55" W,
THENCE ALONG SAID CURVE AND RIGHT-OF-WAY, TO THE LEFT, HAVING A RADIUS OF 5414.12 FEET AND A CENTRAL ANGLE OF 5°54'34" FOR AN ARC DISTANCE OF 401.81 FEET TO A SET 1/2-INCH REBAR, TAGGED "RLS 24873",
THENCE S 48°03'11" E, A DISTANCE OF 567.48 FEET TO A SET 1/2-INCH REBAR, TAGGED "RLS 24873",
THENCE S 48°04'18" W, A DISTANCE OF 445.51 FEET TO A SET 1/2-INCH REBAR, TAGGED "RLS 24873",
THENCE N 41°50'42" W, A DISTANCE OF 291.88 FEET TO THE POINT OF BEGINNING.
CONTAINING AN AREA OF 5.254 ACRES.



OVERALL SITE PLAN

CONTOUR INTERVAL = 1 FOOT — SCALE: 1"=60'-0" — 0 60' — N

PROJECT PHASING

PHASE 1 -
4TH QUARTER OF 2005- 10 MONTHS CONSTRUCTION
PHASE 2 -
1ST QUARTER OF 2007- 6 MONTHS CONTRUCTION

OWNER/ APPLICANT

BIG HORN CENTER, LLC.
BOB SOLFISBURG
6650 NORTH ORACLE ROAD
TUCSON, AZ 85704

PREPARED BY

SAKELLAR ASSOCIATES, ARCH. & PLANNERS
C.N. DINO SAKELLAR, AIA
100 EAST 6TH STREET
TUCSON, AZ 85705

BIG HORN COMMERCE CENTER

A PORTION OF SECTIONS 5 & 8,
T-12-S, R-14-E, G&SRB&M
TOWN OF ORO VALLEY, PIMA COUNTY ARIZONA
ZONING C-1 COMMERCIAL DISTRICT
SCALE 1"=60'-0"
1 FT. CONTOUR INTERVAL
DATE: 10/20/2005
OV CASE NUMBER: OV12-05-23

BIG HORN COMMERCE CENTER

ORACLE RD/RAMS FIELD PASS RD.
TUCSON, AZ 85704

LOCATION MAP

JAN 19 2006

Sakellar Associates
ARCHITECTS AND PLANNERS, INC.

100 EAST SIXTH STREET *TUCSON, AZ * 85705
PHONE: (520) 622-4166 FAX: 624-4452
EMAIL: HAA@SAKELLAR.COM

CONSULTANT:

DMA ENGINEERING, LLC.
650 E. LINDA VISTA *ORO VALLEY, AZ * 85737
PHONE: (520) 982-9256
dmaengineering@comcast.net

REVISIONS:

DEVELOPMENT PLAN

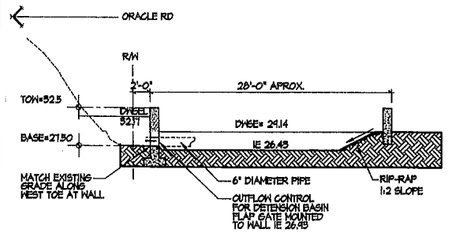
DATE: 1/10/2006
JOB No.: 0402
DRAWN BY: CDA, ECF
CHECKED BY: CNS

COVER

DP-101
1 OF 2

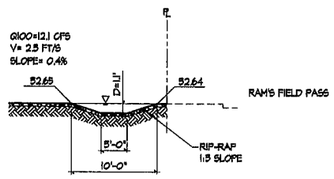
CROSS- REFERENCE No.
Co12-83-08 P1299-056

ORO VALLEY CASE No.
OV12-05-23



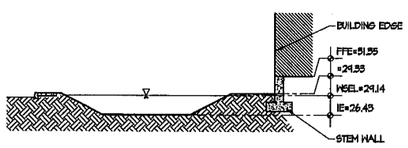
2 SECTION 2

SCALE: 1/8"=1'-0"



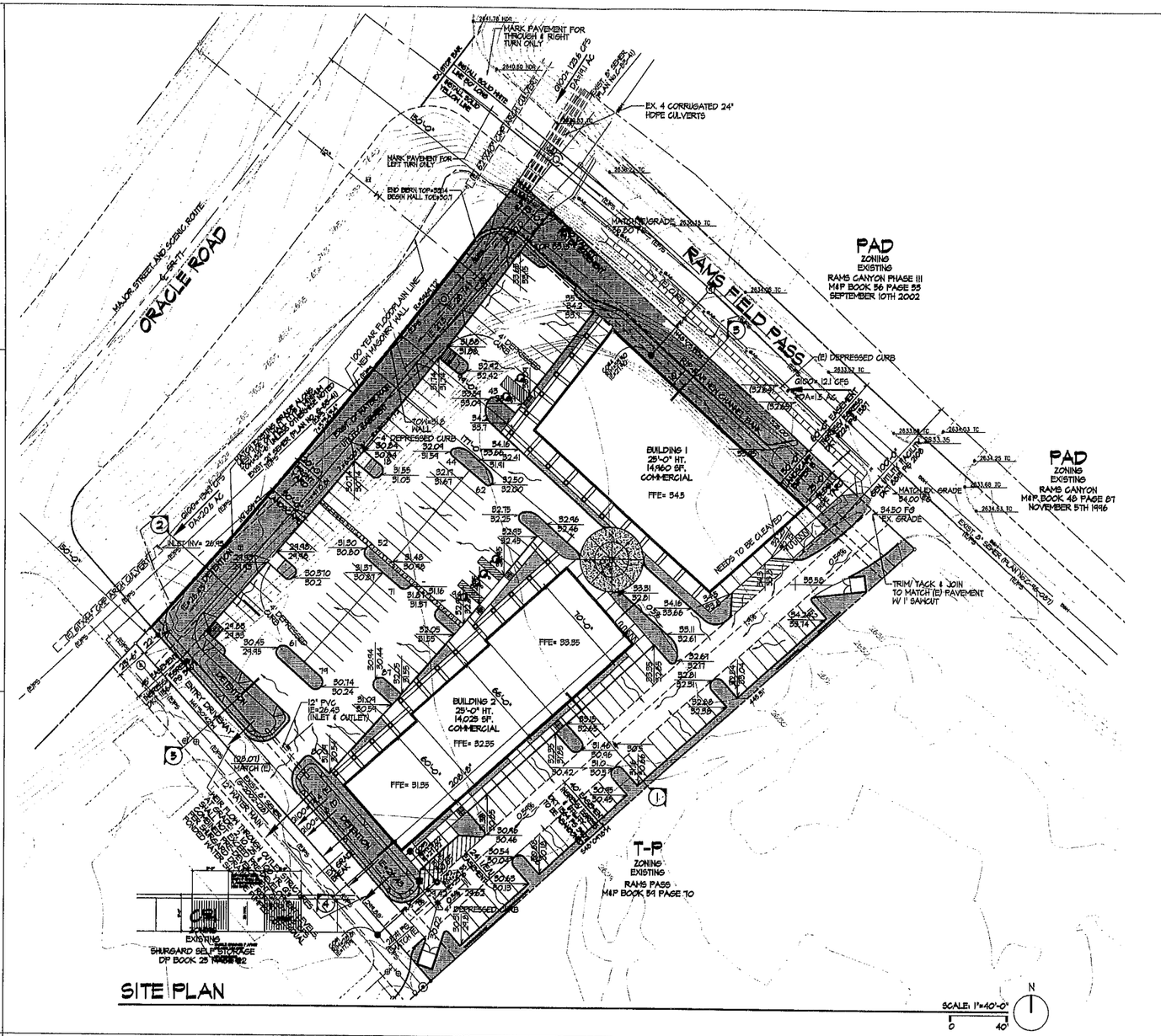
3 SECTION 3

SCALE: 1/8"=1'-0"

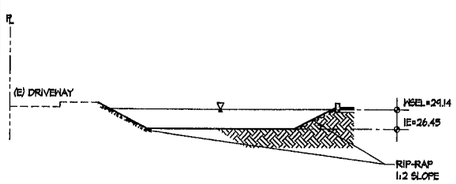


4 SECTION 4

SCALE: 1/8"=1'-0"

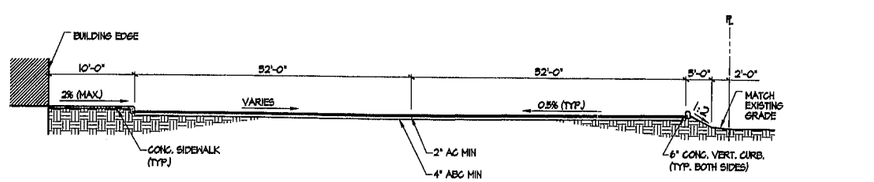


SITE PLAN



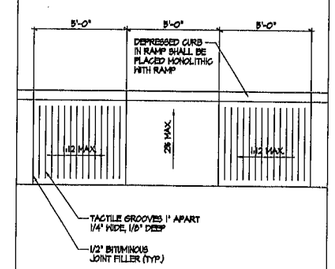
5 SECTION 5

SCALE: 1/8"=1'-0"



1 SECTION 1

SCALE: 1/8"=1'-0"



6 ADA RAMP

NTS

OPEN AREA CALCULATIONS

SITE: 141,452.60 SQ.FT. = 100%

OPEN AREA: 47,226.00 SQ.FT. = 33.50%

CONSTRUCTION: 28,985 SQ.FT.

PARKING CALCULATIONS

BASED ON BUILDING FOOT PRINT.
ACTUAL USAGE PER OCCUPIED SPACE
TO BE DETERMINED.

		GROSS SF.	PARK/ SF.	TOTAL
RESTAURANT	=	6,000 SF.	10/1,000 SF.	60
GENERAL RETAIL	=	22,985 SF.	4/ 1,000 SF	91.94

TOTAL PARKING REQUIRED = 152

TOTAL PARKING PROVIDED = 152

REQ'D. MIN. NUMBER OF ACCESSIBLE SPACES:
152/ 50 + 1 = 3
ADA SPACES PROVIDED = 8 SPACES
(6 STAND. ADA & 2 ADA VAN ACCESSIBLE)

BICYCLE PARKING

PROVIDE:
153 / 15 = 10.20 SPACES
50 % CLASS I = 5
50 % CLASS II = 5 The Class II bicycle parking shall be of Inverted U type.

LOADING SPACES REQUIRED

TOTAL SF = 29,025 COMMERCIAL LOW INTENSITY
REQUIRED: 2
PROVIDED: 2

LEGAL DESCRIPTION

PARCELS 220-04-010M & A PORTION OF 220-04-010J
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5,
TOWNSHIP 12 SOUTH, RANGE 14 EAST, GILA AND SALT RIVER
MERIDIAN, PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 5,
BEING A FOUND 2-INCH ALUMINUM CAPPED PIPE;
THENCE S 84°55'21" E, ALONG THE SOUTH LINE OF SAID
SECTION 5, A DISTANCE OF 840.58 FEET TO THE EAST
RIGHT-OF-WAY LINE OF ORACLE ROAD (TUCSON-FLORENCE
HIGHWAY), BEING A POINT ON A CURVE, CONCAVE TO THE
NORTHWEST, WITH A RADIAL BEARING WHICH BEARS N
31°04'52" W;
THENCE ALONG SAID CURVE, TO THE LEFT, HAVING A RADIUS
OF 5649.12 FEET AND A CENTRAL ANGLE OF 4°34'55" FOR AN
ARC DISTANCE OF 356.52 FEET TO A FOUND NAIL, TAGGED
"RLS 24597", BEING THE TRUE POINT OF BEGINNING;
THENCE N 41°50'42" W, A DISTANCE OF 6.55 FEET TO A SET
"PK" NAIL AND WASHER, TAGGED "RLS 24575", BEING ON SAID
EAST RIGHT-OF-WAY LINE OF ORACLE ROAD AND A POINT ON
A CURVE, CONCAVE TO THE NORTHWEST, WITH A RADIAL
BEARING WHICH BEARS N 47°10'53" W;
THENCE ALONG SAID CURVE AND RIGHT-OF-WAY, TO THE LEFT,
HAVING A RADIUS OF 5649.12 FEET AND A CENTRAL ANGLE
OF 9°34'54" FOR AN ARC DISTANCE OF 401.51 FEET TO A SET
1/2-INCH REBAR, TAGGED "RLS 24575";
THENCE S 48°09'17" E, A DISTANCE OF 567.48 FEET TO A SET
1/2-INCH REBAR, TAGGED "RLS 24575";
THENCE S 48°09'18" W, A DISTANCE OF 449.51 FEET TO A SET
1/2-INCH REBAR, TAGGED "RLS 24575";
THENCE N 41°50'42" W, A DISTANCE OF 291.88 FEET TO THE
POINT OF BEGINNING.
CONTAINING AN AREA OF 5.254 ACRES.

LEGEND

—(E)PS—	PUBLIC SEWER LINE
—PRS—	6" PVC PRIVATE SEWER LINE
	FLOW ARROW
(00.00)	(E) GRADE
	CATCH BASIN FOR FIRST FLUSH TREATMENT VIA FILTER INSERTS
E	EXISTING
D	DEVELOPED
	GRADE BREAK
	LOW POINT
	BUILDING
	CONC. SIDEWALK
	EXPOSED AGREGATED COLOR INTEGRATED CONCRETE
	SITE WALL
	BIKE LOCKERS
	BIKE RACK

OWNER/ APPLICANT

BIG HORN CENTER, LLC.
BOB SOLFISBURG
6650 NORTH ORACLE ROAD
TUCSON, AZ 85704

PREPARED BY

SAKELLAR ASSOCIATES, ARCH. & PLANNERS
C.N. DINO SAKELLAR, AIA
100 EAST 6TH STREET
TUCSON, AZ 85705

BIG HORN COMMERCE CENTER

A PORTION OF SECTIONS 5 & 8,
T-12-S, R-14-E, G&SRB&M
TOWN OF ORO VALLEY, PIMA COUNTY ARIZONA
ZONING C-1 COMMERCIAL DISTRICT
SCALE 1"=40'-0"
1 FT. CONTOUR INTERVAL
DATE: 10/20/2005
OV CASE NUMBER: OV12-05-23

BIG HORN COMMERCE CENTER

ORACLE RD/RAMS FIELD PASS RD.
TUCSON, AZ 85704

LOCATION MAP

Sakellar Associates
ARCHITECTS AND PLANNERS, INC.

REGISTERED ARCHITECT
12826
Constantine N. Sakellar
Date Signed 1-10-06
ARIZONA U.S.A.

100 EAST SIXTH STREET *TUCSON, AZ * 85705
PHONE: (520) 622-4166 FAX: 624-4452
EMAIL: WWW.SAKELLAR.COM

CONSULTANT:

DMA ENGINEERING, LLC.
650 E. LINDA VISTA *ORO VALLEY, AZ * 85737
PHONE: (520) 982-9256
dmaengineering@comcast.net

REVISIONS:

DEVELOPMENT PLAN

DATE: 1/10/2006
JOB No.: 0402
DRAWN BY: CDA, ECF
CHECKED BY: CNS

SITE PLAN

DP-102

2 OF 2

CROSS- REFERENCE No.
C012-83-08 P1299-056

ORO VALLEY CASE No.
OV12-05-23

BIGHORN COMMERCE CENTER LLC

June 25, 2012

Honorable Mayor and Council Members
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley, AZ 85737

Re: Development Plan Extension Request
OV12-05-23

Dear Town Officials:

Bighorn Commerce Center LLC, respectfully request that the Oro Valley Town Council Extend the approved Development Plans; OV12-05-23 for a period of two (2) years.

This time extension will allow the owners to continue negotiations with tenants and allows this project to **remain shovel ready** for immediate development opportunity. The economic hardship in the retail sector has delayed decisions of corporations and users seeking expansion for this site. The announced construction of 288 apartment units located directly across from subject should stimulate interest for additional commercial development along the Oracle Corridor.

The current Development Plan meets OVZCR requirements and all applicable 2020 policies. All grading and paving plans are approved allowing this property.

The owner's of Bighorn Commerce Center appreciates your support for this time extension request.

Sincerely,

Robert Solfisburg
Managing Partner

Town Council Regular Session **Item # D.**

Meeting Date: 09/19/2012

Requested by: Daniel G. Sharp **Submitted By:** Colleen Muhr, Police Department

Department: Police Department

Information

SUBJECT:

Resolution No. (R)12-53, Authorizing and approving the revised Town of Oro Valley Emergency Operations Plan

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

September is National Preparedness Month, as proclaimed at the September 5, 2012 Town Council Meeting, making this an appropriate time to update the Town's current Emergency Operations Plan (EOP).

Resolution No. (R)05-65 established the National Incident Management System (NIMS) as the Town of Oro Valley standard for incident management. The Town of Oro Valley EOP is consistent with the guidelines established in NIMS, which provides a standardized approach for all levels of government to effectively prevent, prepare for, respond to, and recover from incidents, regardless of cause, size, or complexity.

The revised Town of Oro Valley EOP, included as Attachment 2, was developed through regional collaboration and supports and complements the Pima County EOP. If adopted, this revised document will supersede any other previous version of the Town of Oro Valley Emergency Operations Plans.

BACKGROUND OR DETAILED INFORMATION:

"Exhibit A" is a revision and update to the Emergency Operations Plan (EOP) adopted by Town Council in 2005. This document is being revised to meet and be in compliance with current emergency planning guidelines, best practices, lessons learned and to remove potential areas of conflict with other local emergency plans.

Implementation plans will be developed and maintained by applicable departments or agencies as separate documents because they contain information related to critical infrastructure or operations which is considered protected information.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)12-53, Authorizing and approving the revised Town of Oro Valley Emergency Operations Plan.

Attachments

Reso 12-53

TOV EOP

RESOLUTION NO. (R)12-53

A RESOLUTION OF THE MAYOR AND COUNCIL FOR THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING THE REVISED TOWN OF ORO VALLEY EMERGENCY OPERATIONS PLAN.

WHEREAS, the Council adopted Resolution No. (R)05-65 establishing the National Incident Management System (NIMS) as the Town of Oro Valley standard for incident management.

WHEREAS, the region has historically experienced severe damage from natural and human-caused hazards such as flooding, wildfire, thunderstorms/high winds, hazardous material incidents, and transportation accidents on many occasions in the past century, resulting in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, in an effort to reduce the risk and effects of natural and human-caused disasters, including loss of life and property, human suffering, economic disruption, and disaster assistance costs, The Town has developed the Town of Oro Valley Emergency Operations Plan (hereinafter "the Plan") which is attached as "Exhibit A".

WHEREAS, coordinated planning is a more effective approach to hazard reduction and response, and will facilitate a more efficient use of resources in the event a natural or human-caused disaster should occur; and

WHEREAS, the Plan addresses hazard mitigation strategies and plan maintenance procedures for the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Oro Valley that:

SECTION 1. The Mayor and Council hereby authorize and approve the revised Town of Oro Valley Emergency Operation Plan.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 19th day of September, 2012.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

EXHIBIT “A”

Town of Oro Valley

Emergency Operations Plan

Adoption and Approval Date:

September 19, 2012

Prepared by:

Oro Valley Police Department
11000 N. La Cañada Dr.
Oro Valley, AZ 85737

Introduction

TOWN OF ORO VALLEY EMERGENCY OPERATIONS PLAN

PROMULGATION

The Nation's domestic incident management strategy has changed dramatically as a result of the terrorist attacks on September 11, 2001, devastating natural disasters, and due to the constantly changing threat environment. Today's threats include traditional manmade and natural hazards – wildland and urban interface fires, floods, oil spills, hazardous materials releases, transportation accidents, earthquakes, hurricanes, tornadoes, pandemics, and disruptions to critical infrastructure. Additionally, the United States is now faced with the deadly and devastating terrorist arsenal of chemical, biological, radiological, nuclear, and high-yield explosive weapons.

The federal government has responded to these complex and emerging 21st century threats with the introduction of various directives, guidelines, mandates, and policies to create a unified and coordinated approach to incident management. Two of those documents, the National Response Framework (NRF) and National Incident Management System (NIMS) provide a consistent framework for incident management between all levels of government and is applicable to all incidents regardless of the cause, size, or complexity.

In the event of a natural or manmade disaster within the Town of Oro Valley, Town officials must be prepared to implement plans and procedures to protect lives, property, and the environment. The Town of Oro Valley's Emergency Operations Plan (EOP) aligns the Town's capabilities and resources into a unified, all-discipline, and all hazard approach to incident management. The EOP is based on existing statutory authority and is also consistent with the guidelines established in the NRF and NIMS.

The EOP provides a framework for how the Town prevents, protects, mitigates against, responds to, and recovers from all disasters. It describes the roles and responsibilities of Town departments and how they will coordinate resources and activities with each other and other federal, state, county, regional, private-sector, and non-government partners. The Town EOP also supports the Pima County Emergency Operations Plan.

The Town Council gives its full support of the Town EOP and urges Town employees and community members to prepare for emergencies before they occur.

Dr. Satish I. Hiremath
Mayor, Town of Oro Valley
September 19, 2012

APPROVAL AND IMPLEMENTATION

The Town of Oro Valley, in accordance with Homeland Security Presidential Directive (HSPD) 5, Homeland Security Act of 2002, and Arizona Revised Statutes (§ARS 26-344 and §ARS 26-345), is required to prepare for and respond to emergencies/disasters in order to save lives and protect public health and property. The Town of Oro Valley Emergency Operations Plan, upon adoption, supersedes all previous versions of the Town of Oro Valley Emergency Operations Plan.

Applicability

The EOP addresses the consequences of any emergency, disaster, or incident for which there is a need for Town resources to provide preparedness, mitigation, response, and recovery assistance. The EOP is designed so that it can be partially or fully activated in the context of a threat, anticipation of a significant event, or in response to an incident.

The EOP applies to all Town departments that have a primary duty, or may be requested to provide assistance or conduct operations in the context of actual or potential incidents of local, regional, or national significance. It provides the foundation for establishing interagency and multi-jurisdictional mechanisms for Town coordination and involvement in incident response and recovery operations. Finally, the EOP also serves as the base for the development of other emergency plans and procedures for the Town.

Modifications

The EOP is considered a "living document" and therefore will require periodic review and potential modifications based on: actual incidents; training and exercising of emergency capabilities; updated planning guidance; laws; and policies.

The Oro Valley Police Department in coordination with the Town Manager, will review the EOP at least once every two years to ensure currency and applicability. Per the resolution of adoption, the Town Manager may approve modifications to the EOP. Any and all changes do not require Mayor and Council approval. Changes will take effect immediately upon issuance of the official Notice of Change.

RECORD OF CHANGES

CHANGE NUMBER	COPY NUMBER	DATE ENTERED	POSTED BY

RECORD OF DISTRIBUTION

NAME	TITLE	AGENCY/DEPARTMENT	DATE	# COPIES

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Basic Plan

TOWN OF ORO VALLEY EMERGENCY OPERATIONS PLAN

PURPOSE, SCOPE, SITUATION OVERVIEW AND PLANNING ASSUMPTIONS

The Town of Oro Valley is vulnerable to natural and manmade disasters. These disasters can affect the Town in a variety of ways, necessitating immediate response operations, and long-term recovery activities. The Town of Oro Valley Emergency Operations Plan (EOP) considers the risks of disasters in the Town and establishes how the Town will prevent, protect, mitigate against, respond to, and recover from disasters.

Purpose

The purpose of the EOP is to outline the framework for the coordinated response and efficient use of Town resources during emergencies and major disasters. The EOP is an all hazards plan that describes how the Town is organized to respond to emergencies. The EOP outlines how Town departments will coordinate resources and activities with local, county, state, federal, private-sector, and non-governmental organizations (NGOs) to prevent, protect, mitigate against, respond to, and recover from any emergency that could adversely affect the health and safety of Town residents, visitors, and the environment. The EOP is designed to accomplish the following:

1. Establish the systems and coordination that will allow for optimal response to and recovery from all disasters. This includes actions to save lives, protect property, and the environment, meet basic disaster-caused human needs, and restore the community to pre-disaster or improved conditions.

2. Establish the administrative and organizational basis for disaster operations in the Town.

3. Outline town-wide coordination and key activities required to prevent or lessen the impact of disasters in the Town before, during, or after a disaster.

4. Define the emergency management policies, roles, and responsibilities of Town departments that may be requested to provide assistance before, during, or after disasters.

5. Guide comprehensive emergency planning efforts before, during, and after a disaster.

6. Assist in developing an enhanced level of disaster preparedness and awareness throughout the Town.

7. Integrate with local, state, or federal statutes or laws that guide and/or support emergency planning efforts.

8. Synchronize plans with other relevant policies, emergency plans, systems, and programs to ensure full integration and unity of effort.

9. Outline procedures for requesting and coordinating disaster assistance.

10. Provide for flexibility in response and recovery operations that may be required to address the problems presented by the disaster.

Scope

The EOP is a major component of the Town's comprehensive emergency management program, which addresses all hazards, all emergency phases, all impacts, all people, and all stakeholders.

1. All Hazards. The EOP is meant to address all of the hazards that may require disaster response in the Town. The hazards are identified through a thorough risk assessment and prioritized on the basis of the impact and likelihood of occurrence. This approach allows the Town to address the specific considerations of unique hazards, while strengthening of the functions common to most disasters.

2. All Phases. The EOP is based on the five core capabilities identified in Presidential Policy Directive 8 (PPD-8): prevention; protection; mitigation; response; and recovery:
    a. Prevention. The capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism.
    b. Protection. The capabilities necessary to secure the homeland against acts of terrorism and manmade or natural disasters.
    c. Mitigation. The capabilities necessary to reduce loss of life and property by lessening the impact of disasters.
    d. Response. The capabilities necessary to save lives, protect property, the environment, and to meet basic human needs after an incident has occurred.
    e. Recovery. The capabilities necessary to assist communities affected by an incident to recover effectively.

> A secure and resilient Nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk (PPD-8).

3. All Impacts. The concepts identified in the EOP are meant to be used to address all types of disaster impacts, regardless of their cause, severity, or complexity – no matter how unprecedented or extraordinary. While the EOP focuses primarily on

disasters, it addresses and distinguishes between the following types of incidents when appropriate:

a. Emergencies are routine events which make up the majority of incidents and are handled by responsible jurisdictions or agencies through other established authorities and plans.
b. Disasters are non-routine events which may exceed the capabilities and resources of the Town and will require multi-agency response and additional assistance from county, state, or federal governments.
c. Catastrophes are extremely rare events where most, if not all, of the conditions exist:
    i. Most or all of the Town is destroyed or heavily impacted;
    ii. Town government is unable to perform its usual services;
    iii. Help from nearby jurisdictions is limited or cannot be provided; and
    iv. Most or all of the daily community functions are interrupted.

4. All Stakeholders. Effective emergency management requires trust and close working relationships among all levels of government, non-governmental organizations, the private sector, and the public. The planning process also enhances collaboration with other regional partners to develop and integrate planning efforts for disasters with multi-jurisdictional impacts.

5. All People. A key element of effective emergency planning is to consider the whole community that may be impacted by a disaster. The planning process encompasses as many audiences as practically possible and helps identify needs and resources that may be needed during response and recovery from a disaster.
    a. There are additional planning considerations to take into account when addressing the functional needs population. The functional needs population may include:
        i. Economically disadvantaged;
        ii. Limited language proficiency;
        iii. People with disabilities – physical, mental, cognitive, or sensory;
        iv. Age vulnerable (under 5 or over 65); and
        v. Culturally/geographically isolated.
    b. The **Pima County Office of Emergency Management and Homeland Security (PCOEMHS)** is the lead agency in coordinating regional planning efforts relating to the functional needs population. Functional needs planning addresses response and recovery activities that help address specialized needs such as: transportation; communications; and medical care. The Town collaborates with PCOEMHS and other local partners on these planning efforts.

Limitations

This EOP is adopted by the Town to save lives, protect property, and the environment; therefore, its provisions shall be liberally construed for the accomplishment of these purposes. The EOP may be impacted by changes in the law, public policy, emergency planning guidelines, budget considerations, and the threat environment, making it impossible to promise the delivery of a perfect emergency management system.

An incident might damage, destroy, and/or overwhelm government assets, the private sector, infrastructure, and other systems. As a result, the Town can only endeavor to make reasonable efforts to respond based on the information and resources available.

It is expressly the purpose of this plan to provide for and promote the health, safety and welfare of the general public. It is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its provisions.

Liability

Liability issues and potential concerns among government agencies, private entities, and other response partners are addressed in local, state, and federal statute. Statutory protection exists to safeguard emergency responders, volunteers and emergency management personnel against liability during emergencies. Participating personnel will comply with all federal, tribal, state and local laws, rules, regulations, standards and Executive Orders, as applicable, without limitation. Any changes in the governing laws, rules, and regulations shall also apply but do not require an amendment to this Plan. Examples of current liability protection include but are not limited to:

1. ARS § 26-314: Immunity of state, political subdivisions and officers, agents and emergency workers; limitation; rules;

2. ARS § 26-353: Emergency response; immunity; and

3. Public Law 105-19: Volunteer Protection Act of 1997.

The Town will not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of its political subdivisions or any employee of its political subdivisions, excepting willful misconduct, gross negligence or bad faith of any such employee in carrying out the provisions of this plan. No provision of or term used in this plan is intended to impose any duty whatsoever upon the Town or any of its officers or employees, for whom the implementation or enforcement of this plan shall be discretionary and not mandatory.

In addition to statute, mutual aid and intergovernmental agreements established between agencies address the provision of assistance and liability during an emergency. For

example, the Town is a signee on the Arizona Mutual Aid Compact (AZMAC) which may be used among signatory agencies for dispatching mutual aid assistance to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements.[1]

Non-Discriminatory

The EOP is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be specially protected, benefited or excluded by its provisions. In keeping with anti-discrimination policies, no emergency services will be limited or denied on the basis of race, color, national origin, religion, sex, age, or disability. Furthermore, no special treatment will be extended to any person or group in an emergency or disaster over and above what would normally be expected in the way of local government services.

Situation Overview

Emergency Planning

Emergency planning addresses all phases of emergency management, and the methodology that the Town will use to activate and deploy its resources in response and recovery operations. In addition, the planning process:

1. Addresses routine to catastrophic incidents;

2. Considers all hazards and threats including natural and manmade disasters;

3. Is a key component of the emergency preparedness cycle that includes: planning; organizing; training and exercising; equipping; evaluating; taking corrective actions;

4. Includes stakeholder participation, as applicable;

5. Takes into account the essential needs of the functional needs population;

6. Complies with applicable local, state, and federal regulations and statutes;

7. Takes into account national standards, planning guidelines, and best practices; and

8. Is revised regularly in order to maintain maximum applicability in a constantly changing threat environment.

[1] Town Resolution No. 10-14 Arizona Mutual Aid Compact.

Integration of Planning Efforts

Planning efforts for the EOP are coordinated and integrated both vertically and horizontally among all levels of government.

1. Vertical Integration. Vertical integration is the meshing of emergency plans both up and down the various levels of government. It follows the concept that the foundation for operations is at the local level and that support from Federal, State, Regional and private sector entities is layered onto the local activities.

2. Horizontal Integration. Integrates operations across a jurisdiction and allows departments and support agencies to produce emergency plans that meet their internal needs or regulatory requirements and still integrate into overarching county or state plans. It also ensures that a jurisdiction's set of plans supports neighboring and partnering jurisdictions' emergency plans.

The EOP is supported by a variety of internal plans, procedures, and policies that are developed and maintained by individual Town departments and external agencies. The departments and agencies with primary responsibility for the execution of these plans are also responsible for ensuring that it conforms to procedures outlined in this EOP. They also manage and protect the plans according to applicable statutes, laws, and protections relating to sensitive, classified, homeland security, or Protected Critical Infrastructure Information (PCII).

1. Supporting Documents. Supporting documents can take many different forms in order to accomplish a variety of different objectives. Examples include but are not limited to:
    a. Emergency Support Functions (ESFs). The ESFs address major functional areas required to respond to disasters. Examples of functional areas include:
        i. Transportation
        ii. Communications
        iii. Public Works and Engineering
        iv. Firefighting
        v. Emergency Management
        vi. Mass Care, Emergency Assistance, Housing, and Human Services
        vii. Logistics Management and Resource Support
        viii. Public Health and Medical Services
        ix. Search and Rescue
        x. Oil and Hazardous Materials Response
        xi. Agriculture and Natural Resources
        xii. Energy
        xiii. Public Safety and Security
        xiv. Long-Term Community Recovery
        xv. External Affairs

b. Support Annexes. Support Annexes describes the functional processes necessary to ensure efficient and effective implementation of incident management objectives.
c. Incident Annexes. Incident Annexes address contingency or hazard situations requiring specialized response or recovery operations.
d. Continuity of Operations Plan (COOP). Establishes the policies and procedures for continuity of operations following an incident.
e. Standard Operating Procedures (SOP). Reference documents that provide more details about specific operations or functions.

2. Supplemental Agency Plans. Provide details on each individual organization's authorities, response protocols, and technical guidance for responding to and managing emergencies. Examples include but are not limited to:
    a. First Responder Plans. Responding agencies have plans and procedures on how they respond to routine emergencies and how they expand and coordinate their efforts during larger incidents.
    b. Jurisdictional Emergency Operations Plans. Local jurisdictions maintain their own individual emergency operations plans that establish how they coordinate with other agencies in response to disasters.

Residents and citizens also have a critical role and shared responsibility to be prepared to take appropriate actions to protect themselves, their families, businesses, and properties in order to build a more resilient community. Public and private sector entities also develop and maintain plans that detail their internal procedures for emergencies.

1. Local Business and Other Organizational Plans. Local businesses and organizations should also develop and maintain emergency response plans, standard operating procedures, and continuity of operations plans in order to prepare for and respond to disasters that may impact their property or employees.

2. Individual and Family Emergency Plans. The public is responsible for preparing for disasters just as the various levels of government do. In large events, local government and disaster relief organizations in the region may be overwhelmed; therefore the public needs to be prepared as well through the development of individual and family emergency plans, 72-hour preparedness kits, and communications plans.

Hazard and Threat Analysis

The development of emergency plans is based on local hazard and threat analysis. Hazard analysis begins with hazard identification and then assesses the risk based on history and probability of an event within a jurisdiction or area. The vulnerability is assessed based on aspects of population and property locations within potential risk areas. Hazard analysis is based upon several key factors:

1. Nature of a potential event;

2. History of previous occurrences of a particular hazard;

3. Probability and potential magnitude of a hazard; and

4. Warning time associated with a hazard that allows consideration for the time available for preparation.

The hazard analysis process indicates that the Town of Oro Valley is vulnerable to the adverse effects of all hazards including natural and man-made disasters, which may result in the loss of life, property damage, and economic and social disruption.

1. Natural Hazards: In general, the greatest hazards to the Town are natural events such as: flooding/flash flooding; extreme temperature; drought; winter storms; and severe wind.

2. Technological Hazards: The Town is also to vulnerable to manmade and technological hazards such as: hazardous materials and transportation related incidents.

3. Terrorism and Weapons of Mass Destruction (WMD): Acts of terrorism can come in many forms including the use of WMD involving Chemical, Biological, and Radiological, Nuclear, or Explosive (CBRNE) weapons.

The Pima County Multi-Jurisdictional Hazard Mitigation Plan (PCMJHMP) contains the complete hazard analysis for the Town, along with other participating local jurisdictions covering a variety of natural hazards.

Capability Assessment

Capability is a structured element as identified through the Target Capabilities List (TCL) published by the US Department of Homeland Security. The Arizona Department of Emergency Management (ADEM) maintains an assessment that outlines the capabilities within Pima County to perform tasks across the prevention, protection, mitigation, response, and recovery spectrum. The Town is included in the assessment.

Consequences of Disasters

All hazards disaster planning is based on the premise that all disasters present similar consequences. These consequences may demand multi-agency/discipline response at all levels of government and the private sector. Dealing with these consequences is an important part of the Plan in the response and recovery phases. By identifying potential consequences, stakeholders and actions needed to address them may be identified. The following is a list of the primary consequences anticipated in any disaster. Specific hazards may present unique consequences that require more tailored response and recovery efforts.

1. Displaced People. Disasters often produce large numbers of displaced people who need a wide range of services (i.e. housing, food, clothing, financial assistance, child and special needs care, information, employment assistance, medical assistance, etc.) during both response and recovery.

2. Injured/Ill People. Rapid events, such as tornadoes, technical industrial accidents, crime or terrorist attack, generally do not allow people time to escape the event. The result can be a wide range of injuries or illnesses requiring significant coordination of fire, police, Hazardous Materials (Hazmat), EMS, medical and public health and environment agencies.

3. Fatalities. The deaths of citizens and responders are the greatest tragedy associated with disasters. The Pima County Office of the Medical Examiner has statutory authority for determining the cause of death, identification, processing, and notification of kin. Several agencies may assist with the collection, storage, and final disposition of the dead. In the event of criminal or terrorist events, investigation and evidence preservation must also be considerations. The effective management of the fatalities is essential to the emotional and mental needs of the families, the community well being, prosecution and the prevention of potential public health and environmental crises.

4. Damaged or Destroyed Property. These are among the most common results of all disasters. Property damage and destruction may be limited by pre- or post-disaster mitigation. Responsibilities for damaged property vary based on ownership (public property versus private property). The rapid assessment of property to determine the losses of infrastructure, government buildings, homes, businesses, cultural, historic, and natural sites is critical to the disaster declaration process and the prioritization of recovery efforts. Debris management is a major component of this consequence of disaster.

5. Loss of Essential Services. Loss of services is closely linked to the disaster's impact on the government, businesses, and infrastructure. The preservation and continuity of government; first responder agencies; public health and medical; utilities; and environmental services are high priorities following a disaster.

6. Loss of Critical Infrastructure. The preservation and restoration of critical infrastructure and facilities is essential to sustained response and recovery operations. The repair and restoration requires close coordination between the public and private sector.

7. Economic Damage. The loss of population, property, businesses, and infrastructure can produce both immediate and long-term economic damage to the community. This impact must be accurately assessed and integrated into recovery planning.

8. Financial Impact/Unplanned Expenses. Response and recovery from disaster can produce significant expenses that are not part of routine budget planning. It is essential to have effective documentation and accounting policies in place for possible reimbursement. Addressing these expenses is often a shared responsibility if the event qualifies as a legally declared emergency/disaster at the local, state, and federal levels. Eligibility for certain types of funding is contingent on maintaining a current hazard mitigation plan.

9. Environmental Damage/Increase Health and Safety Hazards. Disasters can damage the environment both directly and indirectly. Fires, floods, storms, and technical/industrial disasters can impact broad geographic areas in a variety of ways. They may also have secondary impacts such as causing the release of sewage, hazardous materials, or other cascading events that can pollute the air, surface and sub-surface water, watersheds, the land, or kill/injure our plant and wildlife resources. Assessing this damage and implementing strategies for mitigation and recovery requires broad coordination of the public and private sector.

10. Psychological Impacts. Disasters can produce a wide range of immediate and long-term mental trauma for both first responders and the general public. Psychological impacts should be addressed from the on-set of a disaster and continue through the recovery period.

11. Companion Animal Issues. The collection, rescue, transportation, housing, care, feeding, tracking, and potential disposal of companion animals are often significant elements of disaster response. Effectively addressing these issues can be essential to ensuring the physical and mental well-being of their owners. This is a broadly shared responsibility.

12. Wildlife Issue. Disasters can produce large numbers of endangered, injured and dead animals. Failure to protect these resources can have significant impacts on the environment, public health, and the economy. This is a broadly shared responsibility.

13. Debris. Large amounts of debris on public and private property are a common consequence of disasters. Debris may be organic or inorganic, it may hamper

response and recovery operations, and pose significant public health and safety concerns. Debris management and removal requires an effective combined effort of the public and private sectors as well as the general public and property owners.

14. Litigation. Disasters raise issues related to liability, responsibility, accountability, negligence, and criminal culpability. These can lead to a wide range of legal proceedings involving both the public and private sector.

15. Loss of Confidence in Public and Private Institutions. Failure to effectively prepare for, mitigate, respond to or recover from disaster events can result in a loss of confidence in public and private institutions. This complex consequence is best addressed through effective preparedness and public engagement/education prior to disaster events.

Planning Assumptions

The Town of Oro Valley's Emergency Operations Plan is based on the following planning assumptions:

1. A disaster may:
    a. Occur at anytime with little or no warning;
    b. Be the result of single or multiple hazards or threats;
    c. Involve multiple jurisdictions simultaneously (impacting the county, region, state, or nation);
    d. Result in fatalities, casualties, property loss, displaced persons, disruption of normal life-support systems, essential services and infrastructure;
    e. Require significant information-sharing across jurisdictions and between the public and private sectors;
    f. Overwhelm response and recovery capabilities of the Town, county, state, and federal government;
    g. Require extremely short-notice resource coordination and response timelines;
    h. Require prolonged, sustained response operations and support activities; and
    i. Attract a sizeable influx of spontaneous unaffiliated volunteers and undesignated donations.

2. A large-scale incident may exceed the emergency response capabilities of the Town of Oro Valley. Additional resources can be requested from Pima County, neighboring jurisdictions, the state, and the federal government through local, county, and state disaster declarations.

3. Widespread energy outages or shortages may require the use of alternative methods to deliver essential services, utilities, or provide information to the public.

4. Overwhelmed communications systems could impair communication between first responders, to other jurisdictions, and the public.

5. Emergency response personnel may be unable or unavailable to report to work due to the incident.

6. Response operations may be unavailable or severely hindered due to blocked access or damage to facilities and infrastructure.

7. Non-essential Town operations may be curtailed to free up resources to respond and recover from an incident.

8. The Town is dependent on privately owned and operated critical infrastructure resources to provide services. If critical facilities are rendered inoperable or depleted, response and recovery efforts may be delayed or significantly hindered.

9. Private and nongovernmental organizations can provide additional support and assistance to response and recovery efforts and to those impacted by disaster. Requests for assistance will be coordinated through the Town Emergency Operations Center (EOC), if activated.

10. Competing demands for resources may require the prioritization of scare resources.

11. The Town may be unable to satisfy all requests for assistance during a disaster.

12. Town residents, businesses, and other organizations need to be prepared to be self-sufficient following a disaster for a minimum of three days (72 hours).

CONCEPT OF OPERATIONS

Incident management activities will be initiated and conducted using the concepts and principles identified by the National Incident Management System (NIMS). The Incident Command System (ICS) will be used as the on-scene incident management system to direct and control response activities.

In response to a call for emergency assistance through the 9-1-1 system, the appropriate assignment of resources for police, fire and emergency medical services will be deployed to the scene. As soon as the first response units from the lead agency arrives on-scene, generally the most official responder will assume the position of Incident Commander and will continue serving in this capacity until a determination is made to transfer incident command to a more senior person. Should the response require the close coordination of multiple response agencies, the Incident Commander will make a determination to transition to a Unified Command.

Emergency events usually begin as routine calls for services. The escalation of an event may impact the Town and its ability to provide services; therefore requiring additional assistance and resources. An Incident Commander may request the activation of the Town Emergency Operations Center (EOC). When activated, the EOC will help coordinate a multi-agency response to the incident, including requests for assistance through mutual aid agreements and the next higher level of government (i.e. Town to Pima County).

Plan Activation

The authority to activate this EOP is not limited to any one jurisdictional leadership position, but may vary depending on an incident and authority over the incident. Therefore, the decision to activate the EOP may be made by the: Town Mayor or designee; Town Manager or designee; Chief of Police or designee; Incident Commander; or at the request of another Town department director. The EOP may be activated in part or in whole, and/or in conjunction with supplemental department or interagency plans as needed based on the incident.

Additional EOP activation circumstances include:

1. When the Governor has proclaimed a State of Emergency in an area including the Town of Oro Valley;

2. A Presidential declaration of a National Emergency;

3. Proclamation of State of War Emergency by the federal government; and

4. Receipt of an attack warning or actual attack on the United States

Disaster Declaration Process

In the event that Town resources are overwhelmed during a response to an incident, as defined in Town Code, Section 2-1-3 (C), the Mayor may, by proclamation, declare a local emergency to exist due to fire, conflagration, flood, earthquake, explosion, war, bombing, or any other natural or man-made calamity or disaster or in the event of threat or occurrence of riot, route, or affray or other acts of civil disobedience which endanger life or property within the Town. After such declaration, the Mayor shall govern by proclamation and impose all necessary regulations to preserve the peace and order of the Town, including but not limited to:

1. Imposition of a curfew in all or any portion of the Town;

2. Ordering the closing of any business;

3. Closing to public access any public building, street or other public area; and

4. Calling upon regular and/or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.

A declaration of emergency by the Town will be communicated to the Pima County Office of Emergency Management and Homeland Security (PCOEMHS) or the Pima County Emergency Operations Center, when activated. Pima County may also notify the Arizona Department of Emergency Management (ADEM) who will contact the Federal Emergency Management Agency (FEMA) per established policies and procedures.

In the event that legal questions or concerns arise before, during, or after an incident, the Town Legal Department will provide legal guidance throughout the decision-making process.

Town Emergency Operations Center (EOC)

The Town EOC is the centralized location that coordinates a multi-agency response to an incident. The EOC supports the on-scene response by facilitating emergency declarations, mobilizing resources, requesting assistance from other agencies, disseminating emergency public information, organizing and implementing large scale evacuations, coordinating shelter and mass care for evacuees, and providing decision-making support to elected officials. The following are possible criteria for activation of the Town EOC:

1. A threat (or potential threat) increases the risk in the Town;

2. Coordination of response activities are needed;

3. Resource coordination is needed to respond to an event;

4. Conditions are uncertain or could possibly escalate;

5. Pima County declares an emergency; and

6. At the discretion of any of the individuals authorized to activate the EOC.

EOC Organizational Structure

The EOC staffing level and composition is contingent on the specific requirements of an incident. The organizational structure of the EOC is modular, extending to incorporate all elements necessary for the type, size, scope, and complexity of a given incident. The structure can be condensed, expanded, or reconfigured as needed. While the structure is flexible, it is organized around the below areas:

1. Command/EOC Management. Responsible for the overall disaster policy and coordination.

2. Operations. Supports field operations and coordinate town-wide response activities through the implementation of the EOC Action Plan.

3. Planning. Collect, evaluate, process, and disseminate information for use in the EOC.

4. Logistics. Supports operational activities through the provision of supplies, equipment, facilities, personnel, mutual aid, and other support services necessary for disaster response and recovery.

5. Finance/Administration. Coordination of the financial planning, operations, and reporting services required to effectively respond to and recover from a disaster.

Within the framework of each of the sections, Town department and external agency personnel make up the vast majority of the EOC staff. When activated in the Town EOC, assigned personnel will provide support within their respective functions or expertise. Staff will work together within their networks and statutory or regulatory authorities to ensure a coordinated and effective response to disasters.

ORGANIZATION AND ASSIGNMENT OF RESPONSIBILITIES

This section provides an overview of the organization and roles and responsibilities of local, state, federal, private sector, and nongovernmental organizations and citizens involved in support of a disaster.

Organization

The response organization to implement actions under this Plan is composed of Town government and private agencies. The response structure is designed to be flexible to accommodate any response and recovery requirements. This EOP also supports the Pima County Emergency Operations Plan.

The Town response structure is composed of but not limited to the following departments and agencies:

1. Development and Infrastructure Services
2. Finance
3. Human Resources
4. Information Technology
5. Legal Department
6. Magistrate Court
7. Mayor and Council
8. Parks, Recreation, Library, and Cultural Resources
9. Police Department
10. Town Clerk
11. Town Manager
12. Water Utility
13. Golder Ranch Fire District
14. Mountain Vista Fire District

Assignment of Responsibilities

The EOP is built upon the idea that emergency response activities performed by public and private sector entities are closely aligned with day-to-day roles and responsibilities. Departments and agencies are responsible for the development of response plans that guide internal operations during an emergency, standard operating procedures, continuity of operations plans, and other policies or procedures that address emergency operations. Departments and agencies that have significant roles and responsibilities in response and recovery activities are detailed below.

Town Departments

1. Mayor and Council. The Mayor, or designee, as the Town's chief executive is responsible for the public safety and welfare of the people in the Town of Oro Valley. As provided in Town Code, upon declaration of a local emergency, the Mayor shall govern by proclamation and has the authority to impose all necessary regulations to preserve the peace and order of the Town. During an incident, the Mayor, or designee, may direct any Town Department to utilize its authorities and resources in order to save lives, protect property, and the environment and ensure an effective response. Town departments serve under the Mayor, or designee, in accomplishing response missions.

2. Town Manager. The Town Manager on behalf of the Mayor may coordinate operations and provide necessary direction and control for response and recovery activities. The Town Manager will also be a liaison to Town department directors, Mayor and Council, and other officials.

3. Police Department. For the purposes of this Plan, emergency management responsibilities and activities within the Town are generally delegated to the Police Department. However, depending on the type of incident, other Town departments or agencies may have statutory authority in response and recovery activities. In that case, the Police Department will provide support to the impacted department as requested. The Chief of Police, or designee, will work in conjunction with the Town Manager to determine any necessary activation levels of the Emergency Operations Center.

4. Town Departments. All Town departments are responsible for fulfilling their specific response functions and to coordinate departmental participation in town-wide prevention, protection, mitigation, response, and recovery activities. The development and maintenance of supporting documents are the responsibility of each department. Additional responsibilities may include but are not limited to:
    a. Develop supporting documents to the EOP including: Emergency Support Functions (ESFs); departmental Continuity of Operations Plans (COOPs); and departmental Standard Operating Procedures (SOPs).
    b. Develop departmental procedures for notifying staff and external agencies of an escalating situation, recall procedures for personnel during non-duty hours, prepare go-boxes, and attend pertinent training.
    c. Identify risk reduction strategies that could be employed pre-emergency.
    d. Provide support to response and recovery operations, as needed.
    e. Following an incident, participate in an initial damage assessment of facilities, infrastructure, resources, and personnel.
    f. Assign staff to the EOC, if requested.
    g. Identify alternate locations for critical functions, to include having necessary arrangements and procedures in place for making an orderly transition.

Fire Departments

1. Golder Ranch Fire District (GRFD). GRFD maintains and develops their own policies and procedures on tactical and operational responses to routine emergencies and significant incidents. GRFD will respond to incidents in accordance to their organizational policies and procedures, automatic and mutual aid agreements, operational guides, and other plans.

2. Mountain Vista Fire District (MVFD). MVFD maintains and develops their own policies and procedures on tactical and operational responses to routine emergencies and significant incidents. MVFD will respond to incidents in accordance to their organizational policies and procedures, automatic and mutual aid agreements, operational guides, and other plans.

Pima County

1. Pima County Office of Emergency Management and Homeland Security (PCOEMHS). PCOEMHS as the designated county emergency management agency has specific statutory and legal authority before, during, and after an incident. In addition to legal authority, PCOEMHS also helps coordinate preparedness, mitigation, response, and recovery activities throughout the region. Examples include but are not limited to:
    a. Develop and maintain a county-wide emergency management program that incorporates all applicable governments, private and volunteer organizations;
    b. Develop and maintain the Pima County Emergency Operations Plan;
    c. Develop and maintain partnerships between local jurisdiction, state and federal agencies, private sector, and volunteer organizations during all phases of emergency management;
    d. Manage the County EOC, including staffing, activation procedures, and standard operating procedures;
    e. Request and coordinate assistance from the State of Arizona and the Federal government;
    f. Coordinate county personnel, equipment, and resources to alleviate suffering and loss resulting from a disaster;
    g. Coordinate county departments tasked with other activities before, during, and after an incident;
    h. Maintain the Pima County Multi-Jurisdictional Hazard Mitigation Plan and inclusion in the State of Arizona Multi-Hazard Mitigation Plan;
    i. Implement policy decisions relating to emergency management and homeland security matters in Pima County;
    j. Coordinate functional needs planning within the county; and
    k. Execute all other duties, not specifically listed herein, herein, pursuant to state law and County policy.

2. The Pima County Health Department, Pima County Sheriff's Department, and Pima County Office of the Medical Examiner also have specific legal and statutory authorities before, during, and after incidents. All departments develop and maintain their own operational, standard operating procedures, and emergency plans according to their established policies and procedures.

State of Arizona

1. Arizona Department of Public Safety (DPS). The mission of DPS is to protect human life and property by enforcing state laws, deterring criminal activity, ensuring highway and public safety, and providing vital scientific, technical, and operational support to other law enforcement agencies.

2. Arizona Division of Emergency Management (ADEM). Ensures that the state is prepared to deal with large-scale emergencies and is responsible for coordinating the state response in any incident. When activated, the State will be responsible for coordinating statewide emergency operations, to include the provision of mutual aid and other support, and the redirection of essential supplies and other resources to help meet the need of local jurisdictions. The state also coordinates efforts with federal officials.

3. Arizona Counter Terrorism Information Center (ACTIC). ACTIC is the state's fusion center which is a multi-disciplinary operations hub. The ACTIC is operated by Department of Public Safety (DPS) and links together the state's homeland security stakeholders in one facility to enhance Arizona's capability to collect, analyze, share, and disseminate critical homeland security information and intelligence. In addition to state and local participants, the ACTIC incorporates the Federal Bureau of Investigation (FBI), Joint Terrorism Task Force (JTTF), Department of Homeland Security (DHS) and other federal partners.

Federal

1. Federal Emergency Management Agency (FEMA). Ensures that the nation is prepared to prevent, protect, mitigate against, respond to, and recover from all hazards. FEMA is responsible for establishing and implementing federal guidelines, providing support to state and local governments as requested and responsible for coordinating national response or recovery operations as needed.

2. Pursuant to HSPD-5, the Secretary of Homeland Security is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. Several Federal agencies have independent authorities to declare disasters or emergencies. These authorities may be exercises concurrently with or become part of a major disaster or emergency declared under the Stafford Act.

Other

1. Hospitals, Nursing Facilities, and Assisted Living Facilities. These facilities are responsible for ensuring the safety and well-being of visitors and tenants to their facilities. Hospitals also play an essential role in medical care of victims following an incident.

2. Individuals, Families, and Businesses. The public is responsible for preparing for disasters just as the various levels of government do. Specifically, individual, family, and/or business plans need to be developed and maintained to ensure a high level of preparedness in the event of a disaster.

3. Private Sector and Nongovernmental Organizations (NGOs). Their roles in mitigation, preparedness, response, and recovery are highlighted below:
    a. Participate in coordination activities designed to maintain good working relationships with local emergency response agencies;
    b. Take part in regional planning, training, and exercise activities in order to strengthen regional preparedness;
    c. Maintain emergency plans, procedures, and guidelines to support the activities described in this EOP;
    d. Support local response operations with resources and personnel; and
    e. Aid in the identification of those whose needs have not been met and help coordinate the provision of assistance.

4. School Districts. School districts are responsible for ensuring the safety and well-being of students, staff and visitors to their facilities. To that end, emergency plans should be developed taking into account those hazards to which schools might reasonably be exposed such as natural or manmade hazards. The districts are encouraged to be proactive in developing and implementing these plans with input from emergency management, police and fire departments, and the American Red Cross to develop formal plans for utilizing schools as public shelters in the event of an incident.

5. Volunteers. Volunteers play an important role in strengthening the capacity of local communities to resist the effects of a disaster. Volunteers are encouraged to affiliate with local organizations to receive proper training and education in the event of activation. Examples of organizations include but are not limited to: American Red Cross; Community Emergency Response Teams (CERT); Fire Corps and/or Medical Reserve Corps; and Citizen Volunteer Assistants Program (CVAP).

DIRECTION, CONTROL, AND COORDINATION

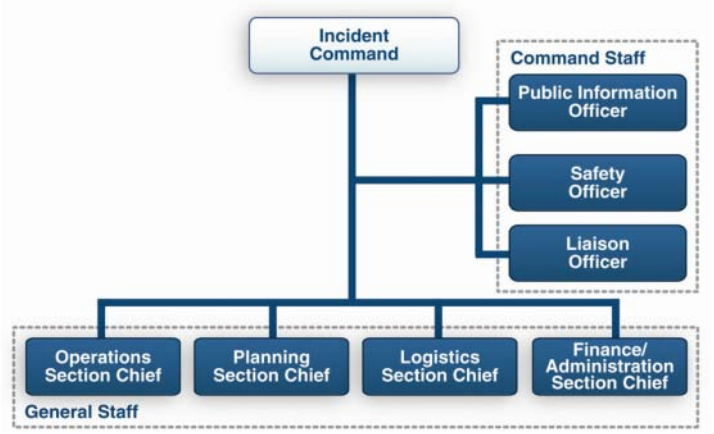
This section discusses the framework for all direction, control, and coordination activities during an incident. It identifies who has tactical and operational control of response assets, and explains how multi-jurisdictional coordination systems support the efforts of organizations to coordinate efforts across jurisdictions while allowing each jurisdiction to retain its own authorities.

Direction and Control

Incident Command/Unified Command

When an incident occurs the Town's first response generally comes from the Oro Valley Police Department, emergency services, or from another Town department such as the Water Utility or Development and Infrastructure Services. Per the principles of the National Incident Management System (NIMS), Incident Command is established at the scene. The incident is managed by an Incident Commander, generally from the main response agency. Direct tactical and operational responsibility for incident management activities rests with the on-scene Incident Commander. For hazards that require the close coordination of multiple agencies, Incident Command will typically transition to a Unified Command which would likely be comprised of officials who have jurisdictional authority or functional responsibility for the incident under statute, law, ordinance, or other agreement.

Figure 1. Incident Command System (ICS)



The number of ICS positions filled is variable depending on the incident. In a smaller incident, not all positions may be activated; however, in a larger incident, more positions may need to be activated.

Incident Command Post (ICP)

The Incident Commander will establish an Incident Command Post (ICP). The ICP is the physical location where the tactical-level, on-scene incident or unified command and management organization is located. The ICP is usually established in the close vicinity of the incident site.

Area Command

If there are multiple incidents or multiples sites within the impacted area, an ICP will be established at each site or for each event. Each ICP will then report to an Area Command organization. Area Command will oversee the management of the multiple ICPs and has the responsibility for: setting overall strategy and priorities; allocating critical resources according to priorities; ensuring incidents are properly managed; and ensuring operational objectives are met. Area Command may become Unified Area Command when incidents are multi-jurisdictional.

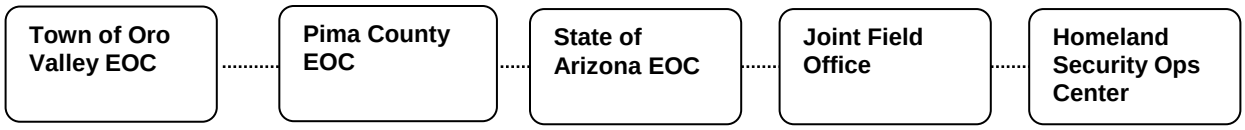
Coordination

In the event of an expanding incident, the incident management structure establishes a progression for requesting and receiving additional assistance and support from local, regional, state, or national agencies.

Multi-Agency Coordination (MAC) Group

A Multi-Agency Coordination (MAC) Group may be convened to manage executive leadership decision-making about regional resources. A MAC Group is part of the Multi-Agency Coordination System and is comprised of agency representatives that have jurisdiction, functional, or significant supportive responsibilities in an incident or incidents. MACS provide the architecture to support coordination for incident prioritization, critical resource allocation, communications systems integration, and information coordination during singular or multiple incidents. The elements of MACs include facilities, equipment, personnel, procedures, and communications. Two of the most commonly used elements are EOC and MAC groups.

Figure 2. EOCs/Multi-Agency Coordination Centers

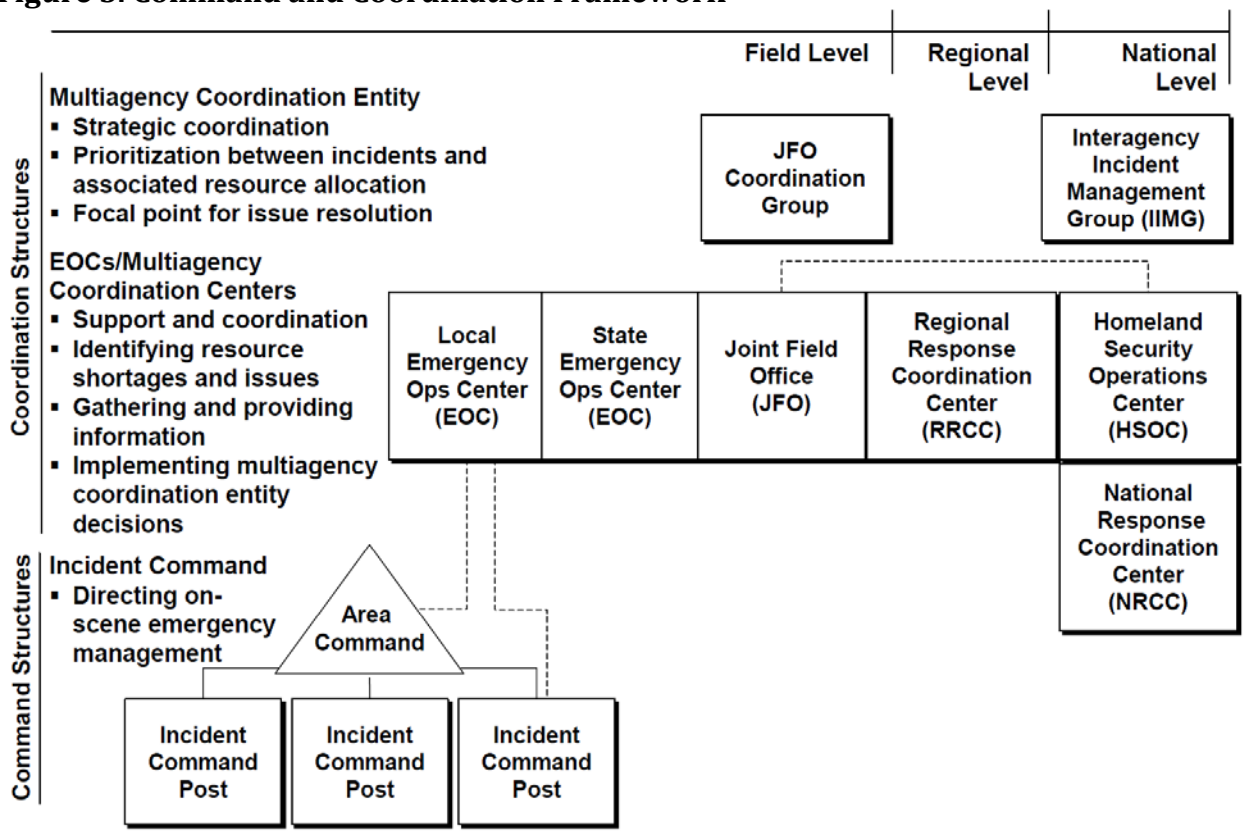


In accordance with NIMS processes, resource and policy issues are addressed at the lowest possible geographic, organizational, and jurisdictional level practicable. If local resources are exceeded, the local officials may request additional expertise, resources, and support from the next level for resolution.

Integration of Local, State, and Federal Response

As the response efforts unfolds and additional resources or personnel are requested to augment existing capabilities, personnel from other local, state, or federal agencies will integrate into the Incident Command Post, Area Command, EOC, and MAC Group to enhance the ability of these organizations to effectively respond to an incident. The figure below identifies how relationships function between the different levels of government.

Figure 3. Command and Coordination Framework [2]



The focal point for coordination of Federal support is the Joint Field Office. As appropriate the JFO maintains connectivity with Federal elements in the Incident Command Post in support of State, local, and tribal efforts.

[2] 2008. *National Incident Management System.* Washington, DC: DHS

EOP under the National Terrorism Advisory System (NTAS)

Under the National Terrorism Advisory System (NTAS), the Department of Homeland Security will coordinate with other federal entities to issue formal, detailed alerts when the federal government receives information about a specific or credible terrorist threat. These alerts will include a clear statement that there is an "imminent threat" or "elevated threat." The alerts also will provide a concise summary of the potential threat, information about actions being taken to ensure public safety, and recommended steps that individuals and communities, businesses and governments can take.

Alerts will be based on the nature of the threat. In some cases, alerts will be sent directly to law enforcement or affected areas of the private sector; while in others, alerts will be issued more broadly to the American people through both official media channels including a designated webpage (www.dhs.gov/alerts), as well as social media channels such as Facebook and Twitter.

Additionally, alerts will have a "sunset provision," meaning that individual threat alerts will be issued with a specified end date. Alerts may be extended if new information becomes available or if the threat evolves significantly.

In the event that a NTAS alert is released by DHS, the Town of Oro Valley may implement additional precautions in order to preserve and protect the health and safety of Town staff and residents. These actions will be identified by the Chief of Police or designee, likely in coordination with other designated law enforcement officials at the local, state, or federal level.

Threat information and actions will be protected according to applicable statutes, laws, and protections relating to sensitive, classified, homeland security, or Protected Critical Infrastructure Information (PCII).

Recovery

Recovery is a complex and long-term process that involves a range of interdependent and often concurrent activities that progressively advance a community toward a successful recovery. There are generally multiple different stakeholders involved in recovery activities.

The nature and the severity of the disaster will help determine the recovery actions in each of the recovery phases and their timing. The three recovery phases identified in the National Disaster Recovery Framework (NDRF) are:

1. Short-Term Recovery. Phase of recovery which addresses the health and safety needs beyond rescue, the asssessment of the scope of damages and needs, the restoration of base infrastructure and the mobilization of recovery organizations and resources including restarting and/or restoring essential services for recovery decisionmaking.

2. Intermediate Recovery. Phase of recovery which inovolves returning indivduals, families, critical infrastructure, and essential government or commercial services to a functional, if not pre-disaster state. Such activities are often characterized by temporary actions that provide a bridge to permanent measures.

3. Long-Term Recovery. Phase of recovery that may continue for months or years and address complete redevelopment and revitalization of the impacted area, rebuilding or relocating damaged or destroyed social, economic, natural and built environments and move to self-sufficiency, sustainabilty, and resilience.

In addition to the National Disaster Recovery Framework (NDRF), the federal government is currently developing other recovery planning guidelines. These new guidelines have not yet been released for implementation at the local, county, or state level. However, when finalized and released, the Town will develop applicable documents and plans in order to be in compliance with new guidelines, as required.

INFORMATION COLLECTION AND DISSEMINATION

Information collection and sharing is critical to coordinating response and recovery actions, the decision-making process, and identifying and deploying resources to meet the needs of an incident. Information is essential throughout prevention, protection, mitigation, response and recovery activities.

An effective information and dissemination system will provide durable, reliable, timely, and effective exchanges between data analysts, first responders, the media, and the general public.

Information Collection

The Town Emergency Operations Center (EOC) when activated will manage the collection and analysis of incident information and disseminate it to first responders, the media, and general public as needed. The major functions of information collection and intelligence gathering are:

1. Gathering, analyzing, and distributing information and intelligence;

2. Preparing, distributing, and documenting the Incident Action Plan (IAP);

3. Conducting long-range and/or contingency planning;

4. Developing demobilization plans;

5. Maintaining incident documentation; and

6. Checking in, tracking, and demobilizing resources assigned to the incident.

Two important aspects of developing an overall situational awareness are common operating picture (COP) and big picture awareness.

1. Common Operating Picture (COP). The common operating picture is a term used to ensure that response agencies share knowledge and understanding about the details of an event, its causes, its location, and its timing. The term entails sharing the "who, what, where, when, why, and how" of an event.

2. Big Picture. The "big picture" is a term used to ensure that response agencies share knowledge and understanding about the event and its ramifications, directions, impacts, and effects upon the people, property, environment, and critical systems in the Town and the region. This picture is necessary to meet immediate needs as well as recovery phase needs.

One method to obtain information is through a rapid assessment that can help identify critical information:

1. Accurate plot of the impact and magnitude of the affected area;

2. Demographics of those injured, killed, and displaced;

3. Lifesaving needs, such as evacuation plans, timelines, and instructions, and search and rescue;

4. Information on damage to government infrastructure, residential dwellings, temporary housing plans, and restoration timelines;

5. The risk of damage to the community from imminent hazards and anticipated expansion of incident scope;

6. The status, capacities, and the commodities of shelters, including Special Medical Needs Shelters and animal shelters;

7. Ability of government organizations to continue essential functions and services;

8. Damage to and status of critical infrastructure and facilities;

9. Location, capabilities, and number of all deployed response resources including equipment, commodities, and personnel; and

10. Requests and/or need for county, state, or federal assistance.

Information and intelligence gathering may also include analyzing the conditions for the potential for cascading events. Cascading events are events that occur as a direct or indirect result of an initial event. For example, if a flash flood disrupts electricity to an area and, as a result of the electrical failure, a traffic collision involving a hazardous materials spill occurs, the traffic collision is a cascading event. If, as a result of the hazardous materials spill, a neighborhood must be evacuated and a local stream is contaminated, these are also cascading events. Taken together, the effect of cascading events can be crippling to a community.

Information Sources

Intelligence gathering provides critical information about situational awareness, resource status, incident status, and the potential escalation of an incident. Sources of information may include the following:

1. On-scene Information. Generally, the most accurate information is obtained from those on the ground closest to the potential or actual incident site. First responders

and Incident Command is often the most reliable source of information. Accurate information from the scene can help provide vital data to decision-makers so that they can prioritize activities and to deploy resources.

2. Predictive Modeling. Technological capabilities and tools in predicting the number and type of casualties and the damage to infrastructure (e.g., bridges, roads, hospitals, and public buildings) and housing stocks can be integrated into pre-incident planning and response and recovery activities.

3. Images/Pictures. Pictures should include both pre-and post incident images to help with response and recovery efforts, including determining overall public and private facility loss to help support requests for assistance through the Stafford Act.

4. Fusion Centers. Fusion centers are designed to promote information sharing between the federal, state, and local government. Communication and coordination with the fusion center during an incident will be accomplished through established policies and procedures.

5. Operational information such as risk assessments, medical intelligence, weather reports, structural designs of buildings, and containment of hazard materials can help create situational awareness for response and recovery activities. Incident information can be used to help manage, coordinate, and direct response activities in order to: prevent/deter additional activity, incidents, and/or attacks; conduct a thorough and comprehensive investigation; and identify, process, collect, create a chain of custody for, safeguard, examine/analyze, and store all situational intelligence and/or probative evidence.

Information Dissemination

Information and intelligence gathered during response and recovery activities will need to be disseminated to first responders, in addition to applicable officials, external agencies, media entities, and the general public. Information will be disseminated internally and externally according to established policies and procedures.

Internal (Response Personnel)

There are several tools that are available to ensure that information is adequately collected, analyzed, and shared among response personnel and agencies.

1. WebEOC. WebEOC is a computer based system that will be used to manage multiple aspects of the incident including tracking and sharing of information.

2. Incident Command System (ICS) Forms. The use of standard ICS forms is encouraged to ensure compatibility between Incident Command and the Emergency Operations Center, if activated.

3. Briefings. Information briefings will be conducted regularly and at the beginning of each operational period.

4. Liaison Officer. In a large incident, the Liaison Officer position will help relay information between agencies, media entities, and the general public.

External (Media, General Public, and Other Officials)

Public confidence is important to maintain throughout all phases of emergency management and during and immediately after an incident.

1. The size and nature of the incident will dictate the type and amount of information released to the public and the specific timeline for release.

2. Information will be released to the public and media based on established policies and procedures. Designated Public Information Officers (PIOs) will generally be the spokesperson (s) for the Town in emergency situations.

3. Information will be disseminated through available means including: electronic, hard copy, video, telephone, email, and social media.

Long-Term Considerations

The longevity of information collection and dissemination is variable dependent on the incident. Incidents that are larger in size and scope will have different information collection and dissemination needs than a smaller more routine incident. A large scale incident may require broader information and collection and dissemination activities over an extended period of time, especially if impacting and involving multiple jurisdictions. Long-term information needs will be determined by the Incident Commander and within the Emergency Operations Center.

COMMUNICATIONS

Effective communication is critical to decision-making, emergency response efforts, and resource support and coordination during an incident, especially one of larger scope. The integration of support services and technologies is critical to effective incident response and responder safety.

Communications Framework

The Town of Oro Valley's communication function is coordinated by the Town's Information Technology Department and the Police Department. The communications system includes capabilities for: interoperability; redundancy for voice and data communications capabilities, including backup power generation; and the notification and/or warning of key officials, Town personnel, emergency responders, and the general public.

1. The Town is National Incident Management System (NIMS) compliant and communication systems are interoperable, address plain language use, present consistent and accurate information, and use common and consistent terminology.

2. The Town is a partner in the Pima County Wireless Integrated Network (PCWIN), which upon project completion will significantly enhance the interoperability capabilities between response agencies.

3. If the nature or magnitude of the emergency requires immediate warning or evacuation of the general public, then the public will be notified based on establish policies and procedures.

More detailed tactical and operational plans and procedures relating to communications capabilities are developed and maintained by a variety of local, state, and federal departments and agencies. They also manage and protect the plans according to applicable statutes, laws, and protections relating to sensitive, classified, homeland security, or Protected Critical Infrastructure Information (PCII).

ADMINISTRATION, FINANCE AND LOGISTICS

Throughout the prevention, protection, mitigation, response, and recovery phases of emergency preparedness, administrative, financial, and logistical support is needed. This section identifies: administrative protocols used before, during, and after an incident; the financial protocols used to recover costs incurred during an emergency; and logistics or resource mechanisms used to identify and acquire resources in advance of and during emergency operations, especially to overcome gaps potentially identified in a capability assessment.

Documentation of events, decisions, expenses, after-action reporting, and follow through issues, needs, and requirements is important through all phases of emergency management.

Administration

Documentation

Documentation is an administrative process used by a jurisdiction to document the response and recovery from a disaster. All departments and agencies involved in the incident shall document their actions and expenses throughout response and recovery operations. Examples of essential documentation include but are not limited to:

1. Incident Report. An incident report should be prepared and transmitted from Incident Command up the chain of command, when an on-going emergency incident appears likely to become more severe, may require activation of the Emergency Operations Centers, or additional assistance from adjacent local governments and Pima County may be needed.

2. Incident Action Plan (IAP). The IAP is intended to provide supervisory personnel with a common understanding of the situation and with direction for future action. The IAP includes a statement of objectives, organizational description, assignments, and support materials for a defined operational period. The plan is generally prepared at the outset of an incident's organized response or the beginning of an operational period for more extended events. Written IAPs must be maintained as part of the historical record for an incident.
    a. The IAP describes the intended course of action (s) to be taken by the Incident Command or Emergency Operations Center staff for a specified period.
    b. An Incident Briefing Form may be used on smaller incidents.

3. Situation Report (SITREP). During active disasters, participating departments and agencies will prepare situation reports. Each SITREP should contain pertinent

information regarding agency response/recovery operations and be distributed to all departments and agencies involved in the event response.

a. ICS Form 209, Incident Status Summary may be used as the SITREP format.

4. Hazardous Materials Spills Report. In the event of a hazardous materials spill, there are specific state and federal reporting requirements, including a written Incident Action Plan. The Town department or agency responsible for the spill shall make the required report. If the party responsible for a reportable spill cannot be located, it will be the responsibility of the Incident Commander to ensure that the required reports are filed.

5. Photography. An important aspect of documentation is scene photographs that are taken at the incident scene to help estimate costs, overall damage, and potential impacts on structures, people, and the environment. After-incident photos can be compared to pre-incident pictures in order to compare images of the impacted area, estimate relative cost of damage, and the efforts undertaken to resolve the situation.

6. Records. The Town is responsible for establishing and maintaining administrative controls necessary to manage the expenditure of funds and to provide reasonable accountability and justification for expenditures made to support emergency operations. This record keeping shall be done in accordance with Town fiscal policies and standard cost accounting procedures.

7. Activity Logs. The Incident Command Post (ICP) and the EOC shall maintain accurate logs recording key response activities including:
    a. ICS forms;
    b. Activation or deactivation of emergency facilities;
    c. Emergency notifications to local governments and to state and federal agencies;
    d. Significant changes in the emergency situation;
    e. Major commitments of resources or requests for additional resources from external sources;
    f. Issuance of protective action recommendations to the public;
    g. Evacuations;
    h. Casualties; and
    i. Containment or termination of the incident.

8. Preservation of Records. In order to continue normal government operations following an emergency or disaster, vital records must be protected. These include legal documents, property and tax records, and electronic files. The principal causes of damage to records are fire, water, and technological failure; therefore, essential records should be protected accordingly.

After-Action Report (AAR)

The after-action report will include a review of actions taken, identification of equipment shortcomings, recommendations on improving operational readiness, highlights the successes and strengths, and details other key issues affecting incident management. The AAR will include appropriate feedback from all local, regional, state, federal, nongovernmental, and private sector partners participating in the incident.

As part of the AAR process, each agency or department that is involved or impacted by the incident should perform a "hot-wash." The hot-wash is a brief discussion with all participants to elicit information about three basic issues: what was the planned activity; what actually occurred; and what improvements could be made for future incidents. A hot-wash is usually conducted immediately after an incident is resolved, or after a particular activity or operation has taken place within an incident or event. The information gathered will be submitted to the Incident Commander and emergency management staff to be incorporated into AARs.

The Oro Valley Police Department, in coordination with other Town departments and external agencies will incorporate pertinent information from the after-action review process into an update of emergency plans and procedures, as needed.

Finance

Timely finance support of response activities will be critical to successful emergency response, and recovery efforts. Innovative and expeditious means may be used to achieve financial objectives; however, it is required that generally accepted Town of Oro Valley financial policies, principles and regulations may be employed to ensure against fraud, waste, abuse, and to achieve proper control and use of public funds.

Documentation of Costs

Expenditure tracking should commence upon notice or obvious occurrence of disaster that require expense of labor, equipment use, materials, and other expenses. Written records need to be maintained for all disaster related personnel, supplies, equipment, and other disaster related expenses.

1. Incident Costs. Town departments and external agencies involved in the incident shall maintain written detailed reports of expenses. Examples of emergency and/or disaster costs include:
    a. Personnel costs (including overtime or backfill);
    b. Equipment operations costs;
    c. Costs for leased or rented equipment;
    d. Costs for contract services to support emergency operations; and
    e. Costs of specialized supplies expended for emergency operations.

2. Incident cost information may be used to:
    a. Estimate projected response costs;
    b. Submit cost recovery requests to responsible parties or insurers;
    c. Request financial assistance for allowable response and recovery costs from the state and/or federal government;
    d. Develop future budgets; and
    e. Serve as the basis for long-term recovery needs and financing.

The Town Finance Department will maintain detailed reports of costs for emergency operations, compile reports, and include total expenditures by category. This information is essential for requesting state or federal disaster assistance. The Finance department will follow prescribed administrative, fiscal, and procurement procedures.

State or Federal Reimbursement

The state and federal government require very detailed information for cost reimbursement after an incident. Examples include but are not limited to:

1. Costs and revenues associated with emergency operations should be segregated from normal operating expenses.

2. Separate records should be maintained for each vehicle and piece of heavy equipment used for emergency operations.

3. Vehicle and equipment documentation should include the miles and/or hours operated by location and by operator.

4. Vehicle operating expenses should include fuel, tires, tubes and maintenance.

5. Labor costs should be compiled separate from vehicle and/or equipment expenses.

6. Equipment documentation should include exactly where the equipment was used and for what; hours and minutes used; and the name of the equipment operator if applicable.

7. Revenues and subsidies for emergency operations must be subtracted from any costs claimed.

8. Requisitions, purchase orders, and invoices must be maintained for all supplies, materials and equipment expenses claimed.

9. Costs for supplies and materials must include documentation of exactly where resources were used and for what purpose.

10. All noncompetitive procurements must be justified.

Cost Recovery Programs

The Town will work with the Pima County Office of Emergency Management and Homeland Security to: coordinate educational opportunities to responding agencies and local officials about the cost recovery process; disseminate information about pre and post incident funding opportunities; and provide overall guidance for the reimbursement and cost recovery process.

There are various programs that allow the Town, County, State, and other supporting agencies to recover the costs incurred during and after an emergency operation. There are also cost recovery programs that provide assistance to individuals and families. The amount of assistance available depends on the size and type of the incident. A Presidentially declared disaster would likely provide more assistance than a locally declared disaster. Several of the core cost recovery programs are highlighted below:

1. State and Federal Public Assistance Program[3]. Public assistance provides supplemental aid to State, County, and local government agencies to help them recover from disasters as quickly as possible.
    a. PETS Act. Reimburses states and counties for work done in association with disaster mitigation, regulations associated with the PETS Act that authorizes FEMA to provide rescue, care, shelter, and essential needs for individuals with household pets and service animals, and to the household pets and animals themselves following a major disaster or emergency.
    b. Donated Resources. Donated resources used on eligible work that is essential to meeting immediate threats to life and property resulting from a major disaster may be credited toward the non-federal share of grant costs under the Public Assistance Program. Donated resources may include volunteer labor, donated equipment, and donated materials.

2. Hazard Mitigation Grant Program (HMGP). This FEMA program provides grants to state and local governments to implement long-term hazard mitigation measures after a Presidential declaration in order to reduce the loss of life and property due to natural disasters.

3. Individual and family assistance.
    a. Small Business Administration (SBA). The SBA provides low interest, long-term loans for physical and economic damage caused by a declared disaster. It offers loans to homeowner, renters, businesses of all sizes, and private, nonprofit organizations to repair or replace real estate, personal property, machinery and equipment, inventory, and business assets that have been damaged or destroyed in a declared disaster.

[3] FEMA's Disaster Assistance Program http://www.fema.gov/pdf/government/grant/pa/policy.pdf

b. Individual and Households Program (IHP). Assistance covers temporary housing needs, home repairs, and losses to personal property, transportation expenses, funeral and medical expenses upon a Presidential declaration.
c. Disaster Unemployment Assistance. This program may be implemented by the Department of Labor upon a Presidential declaration. It allows those unemployed due to a disaster access to unemployment benefits.
d. Worker's Compensation. The Department of Labor administers several compensation programs which provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to federal workers or their dependents that are injured at work or acquire an occupational disease.

Insurance

The insurance industry plays an important role in recovering costs after a disaster and the rebuilding of communities after a disaster.

1. Self-insurance. Access to self-insurance provides organizations, individuals, and businesses to insure their livelihood through a variety of different insurance plans. This type of insurance is paid for by each entity that chooses to carry the insurance policy.

2. Homeowner policies. Individual homeowners have access to a variety of private insurance companies to insure their home and its contents. Depending on the location of the home, there may be caveats about the type of coverage homeowners have in the event of a disaster.

3. National Flood Insurance Program (NFIP). The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal Government.

Mutual Aid Agreements

The Town has a variety of automatic and mutual aid agreements in place with first responder agencies, other local jurisdictions, nongovernmental agencies, and private sector organizations to provide emergency assistance in the event of a disaster. The individual agreements contain specific procedures for reporting, agency responsibilities and command and control guidelines. Existing agreements are generally in writing; however, in an emergency an agreement may be arranged verbally after a disaster occurs. To be eligible for reimbursement by FEMA, the mutual aid assistance has to meet the criteria identified in the Disaster Assistance Policy (DAP9523.6).[4]

[4] FEMA Disaster Assistance Policy 9523.6 Mutual Aid Agreements for Public Assistance and Fire Management Assistance.

Logistics

The essence of logistics is to ensure that sufficient resources (i.e. equipment, supplies, tools, and personnel) are on hand or available to respond to the various types of incidents that may occur. Essential resources can be acquired in several different ways:

1. Have and store any potentially needed items in the event of a disaster;

2. Arrange for just in time delivery of needed resources by contract vendors; and

3. Arrange for mutual aid from neighboring jurisdictions, nongovernmental organizations, or private sector.

To the extent possible, these methods have been pre-planned, negotiated, and ensured prior to an incident.

1. Town departments will develop and maintain an inventory of equipment, tools, and other resources that can be used during an emergency.

2. Town departments will identify resource needs and resolve potential gaps through mutual aid or other resourcing methods.

3. Town departments will also maintain resources as necessary to ensure availability during an incident.

During a significant incident, the Logistics Section in the Town EOC will identify the processes and procedures for providing resources, supplies, and other services to support incident response and recovery operations. Requests for resources during and after an incident will be arranged and acquired through Logistics.

Under Town Code 3-4-3 (B)(6), the Procurement Agent may make or authorize others to make emergency procurements where there exists a threat to public health, welfare, or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. An emergency procurement shall be limited to those materials, services, or construction necessary to satisfy the emergency need.

In addition:

1. Town resources are first identified for use and if they cannot be attained then mutual aid organizations are contacted.

2. The Town also maintains a list of vendors that is queried for possible supplies and equipment. Town approved vendors are given first priority because they have already met all approval standards for working with the Town.

3. Automatic mutual aid also occurs between agencies in the region. Within these agreements are the procedures for reporting, agency responsibilities, and command and control guidelines.

4. Non-governmental agencies such as the American Red Cross have agreements in place to provide sheltering services.

5. Pima County resources may be available upon declaration of a Town emergency. State and federal resources can be requested upon additional declarations by Pima County or the state.

6. The Emergency Management Assistance Compact (EMAC) is a congressionally ratified organization that provides interstate mutual aid. States, counties, and local entities that have signed onto the EMAC have agreed upon liability and reimbursement procedures allowing for expedited sharing of resources. To enact the EMAC, the governor must fire declare a state of emergency and then the state can request resources through the signatories of the compact. National Guard Resources are also deployed at the will of the governor or the president of the US.

Resource Management

Emergency management and incident response activities require carefully managed resources to meet incident needs. Resource management during an incident is a finite process, as shown in the below figure, with a distinct beginning and ending specific to the needs of the particular incident.

Figure 4. Resource Management Cycle[5]

[5] 2008. *National Incident Management System.* Washington, DC: DHS

Resource management preparedness activities are conducted on a continual basis to help ensure that resources are ready to be mobilized when called to an incident. This includes resource typing, credentialing, and inventorying.

1. Resource Typing. Resource typing is categorizing, by capability, the resources requested, deployed, and used in incidents.

2. Credentialed Personnel. The credentialing process entails the objective evaluation and documentation of an individual's current certification, license, or degree; training and experience; and competence or proficiency to meet nationally accepted standards, provide particular services and/or functions, or perform specific tasks under specific conditions during an incident.

3. Resource Inventory. Preparedness organizations should inventory and maintain current data on their available resources. The data is then made available to communications/dispatch centers, Emergency Operations Centers, and other applicable organizations.

The function of resourcing typing, credentialing, and maintaining current lists of resources falls into the Logistics section of any EOC activation in response to incident.

PLAN DEVELOPMENT AND MAINTENANCE

The following section describes the development and maintenance process used to develop the Plan including regional collaboration, training and exercising, making revisions, and the reissuance of the Plan.

Plan Development

The Town EOP was developed following FEMA's Comprehensive Preparedness Guide 101, Version 2 (CPG 101) and utilizing a regional collaborative planning process. The regional collaboration engaged planners from Pima County, City of Tucson, Town of Marana, Town of Oro Valley, and Town of Sahuarita in the process. Emergency plans have been integrated and deconflicted to enhance the efficiency and effectiveness of emergency management activities as a region. As such, it is important to ensure continued collaboration and coordination with these regional entities whenever changes, updates, or other items identified in this plan are made. These plans also factor in applicable guidelines and recommendations issued by the federal government.

Training and Exercising

The Police Department will coordinate and conduct periodic exercises of the EOP with various Town departments in order to train and exercise different areas of prevention, protection, mitigation, response, and recovery activities. Training and exercises may include: National Incident Management System (NIMS); Emergency Operations Center (EOC); tabletops; functional exercises; and partial or full scale exercises. These activities will be integrated and/or coordinated into applicable regional, state, and federal activities.

Training and exercises will follow the Homeland Security Exercise and Evaluation Program (HSEEP) and other recommended training guidelines.

Plan Maintenance

The Police Department in coordination with the Town Manager is responsible for the overall management and maintenance of the EOP. The EOP will be reviewed at least once every two years and revised as necessary to maintain maximum adaptability and flexibility. The EOP is considered a "living document" so is one that may need to be updated and revised more frequently in response to a constantly changing emergency management and homeland security landscape. Changes in any of the below variables may necessitate adjustments to administrative and/or procedural provisions of the EOP:

1. Actual incident (s);
2. After-action reports (AARs);
3. Community profile and trends ;
4. Community Demographics;

5. Critical Infrastructure;
6. Legislation;
7. Policies;
8. Risk assessments;
9. Technology;
10. Threat environment;
11. Training and exercising; and
12. Vulnerability assessments.

In addition, any Town department or agency with assigned responsibilities may propose changes to the Plan. The Police Department will coordinate all proposed modifications to the plan with applicable departments and stakeholders, as required. The updated document (s) will be forwarded to the Town Manager for approval. Changes do not need to be approved by Town Council. No proposed changes will contradict or override statutes, laws, or regulations.

Notice of Change

After coordination has been accomplished and necessary signed approval process is accomplished, an official Notice of Change will be issued. The notice will specify the date, number, subject, purpose, background, and action required, and provide the change language on one or more numbered and dated insert pages that will replace the modified pages in the Plan. Once published, the modifications will be considered part of the Plan for operational purposes pending a formal revision and reissuance of the entire document. Interim changes can be further modified or updated using the above process.

Plan Distribution

The Police Department will distribute the initial plan upon approval, and future Notices of Change to all Town departments and other agencies. The Police Department will also maintain the plan distribution list.

Public Information Requests

While the EOP is made generally made available to the public, supporting documents, specific operational or tactical plans are protected from disclosure due to sensitive material relating to operations, response, critical functions or infrastructure, criminal investigations, and other homeland security issues.

Public inquires for information will be processed and responded to based on established Town policies and procedures for Freedom of Information Act (FOIA) requests, and applicable statutes, laws, and protections relating to sensitive, classified, homeland security, or Protected Critical Infrastructure Information (PCII).

AUTHORITIES AND REFERENCES

Authorities and references provide the legal basis for emergency operations and activities in the Town of Oro Valley. This section highlights key authorities and references at the local, county, state, and federal level, but is not intended to be an inclusive list of applicable laws and statutes.

Responsibility for responding to emergencies generally rests with the Town government. Neighboring jurisdictions and state and federal agencies will not assume authority or responsibility for responding to any incident, unless continuity of operations/continuity of government thresholds are met as outlined in established plans, resources are or imminently exhausted or the Town requests outside assistance. When requested, these agencies will provide support to local command and control as long as it does not impair their own response.

The EOP does not alter or impede the ability of the Federal government, State agencies, and County, Local, or Tribal jurisdictions to carry out their specific authorities or to perform their responsibilities under all applicable laws, executive orders, and directives. Any changes in the governing laws, rules, and regulations shall apply but do not require an amendment to this Plan.

Authorities

Town of Oro Valley

1. Oro Valley Planning and Zoning Code

2. Oro Valley Town Code
    a. Oro Valley Town Code 2-1-3(C): Office of Mayor
    b. Oro Valley Town Code 3-4-3 (B)(6): Procurement

3. Resolution No. (R) 05-65: Approving the designation of NIMS as the standard for all Incident Management in the Town of Oro Valley.

4. Resolution No. (R) 10-14: Arizona Mutual Aid Compact.

State of Arizona

1. §ARS 11-952: Intergovernmental agreements and contracts

2. §ARS 23-1022: Compensation as exclusive remedy for employees

3. §ARS 26-307: Powers of counties, cities, towns and state agencies designated by the governor to make order, rules and regulations; procedure

4. §ARS 26-308: Powers of local government; local emergency management establishment; organization

5. §ARS 26-309: Mutual aid; responsibilities of agencies and officials; agreements; definition

6. §ARS 26-311: Local emergency; power of political subdivision; state agency assistance

7. §ARS 26-312: Authority of executive officers and governing bodies to accept materials or funds

8. §ARS 26-314: Authority of executive officers and governing bodies to accept materials or funds

Federal

1. Americans with Disabilities Act of 1990 as amended by the American Disabilities Act Amendments Act of 2008, Public Law 110-325

2. Code of Federal Regulations, Title 44, Chapter 1, Federal Emergency Management Agency, October 1, 2008.

3. Disaster Assistance Program, Federal Emergency Management Agency

4. Disaster Mitigation Act of 2000, Public Law 106-390.

5. Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness,* July 26, 2004.

6. Freedom of Information Act Disclosure Exemption, 5 U.S.C. Section 552(b) (7) (E).

7. Hazardous Materials Transportation Act of 1994, 49 U.S.C. Section 5101-5127

8. Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, August 21, 1996.

9. Homeland Security Act of 2002, 6 U.S.C. 101, et seq, as amended.

10. Homeland Security Presidential Directive 5, *Management of Domestic Incidents,* February 28, 2003.

11. Homeland Security Presidential Directive 7, *Critical Infrastructure Identification, Prioritization, and Protection,* December 17, 2003.

12. Homeland Security Presidential Directive 8, *National Preparedness,* March 30, 2011.

13. National Security Presidential Directive 51/Homeland Security Presidential Directive 20, *National Continuity Police,* May 4, 2007.

14. Pets Evacuation and Transportation Standards Act of 2006 (PETS Act), Public Law 109-308.

15. Post-Katrina Emergency Management Reform Act of 2006, Public Law 109-295.

16. Public Law 93-288, The Disaster Relief Act of 1974, as amended by Public Law 100-707, The Robert T. Stafford Disaster Relief and Emergency Assistance Act.

17. Superfund Amendments and Reauthorization Act of 1986, Public Law 99-149, as amended.

18. Volunteer Protection Act of 1997, Public Law 105-19

19. 18 USC §2332a Weapons of Mass Destruction (WMD)

References

1. Arizona State Emergency Response and Recovery Plan (AZSERRP), 2008

2. Disaster Loans. U.S. Small Business Association. (http://www.sba.gov)

3. Emergency Planning and Special Needs Populations. FEMA Emergency Management Institute. (http://training.fema.gov/index.asp).

4. Pima County Emergency Operations Plan (Draft), 2012

5. Pima County Multi-Jurisdictional Hazard Mitigation Plan (PCMJHMP), 2012

6. U.S. Department of Homeland Security (DHS).
    a. 2011. *National Preparedness System.* Washington, DC: FEMA.
    b. 2011. *National Preparedness Goal (First Edition).* Washington, DC: FEMA.
    c. 2011. *National Disaster Recovery Framework: Strengthening Disaster Recovery for the Nation.* Washington, DC: FEMA.
    d. 2011. *Implementation Plan for Presidential Policy Directive 8: National Preparedness.* Washington, DC: FEMA.
    e. 2010. *Developing and Maintaining Emergency Operations Plans (CPG) 101: Comprehensive Preparedness Guide Version 2.0.* Washington, DC: FEMA.
    f. 2009. *National Infrastructure Protection Plan.* Washington, DC: DHS
    g. 2008. *DHS Risk Lexicon.* Washington, DC: DHS

h. 2008. *CSEPP Planning Guidance.* Washington, DC: FEMA.
i. 2008. *National Incident Management System.* Washington, DC: DHS
j. 2008. *National Response Framework.* Washington, DC: DHS
k. 2007. *Emergency Management Planning Guide for Special Needs Populations.* Washington, DC: DHS
l. 2007. *National Preparedness Guidelines.* Washington, DC: DHS
m. 2005. *National Planning Scenarios.* Washington, DC: DHS
n. 1996. *State and Local Guide (SLG) 101: Guide for All Hazards Emergency Operations Planning.* Washington, DC: FEMA.

APPENDIX I – GLOSSARY OF TERMS

American Red Cross – A nongovernmental humanitarian organization led by volunteers that provide relief to victims of disasters and helps people prevent, prepare for, respond to, and recover from emergencies. The American Red Cross accomplishes this through services that are consistent with its Congressional Charter and the Principles of the International Red Cross Movement.

Agency – As jurisdiction that has statutory responsibility for incident management or is an agency assisting or cooperating by providing resources or other assistance.

Agency Representative – A person assigned by a primary, assisting, or cooperating federal, state, local, or tribal government agency or private entity that has been delegated authority to make decisions affecting that agency's or organization's participation in incident management activities following consultation with the leadership of that agency.

Annex – Additions to this plan that provide guidance on how a broad function or support activity will be carried out such as volunteer management, donations management, financial management, and logistics management.

Appendix – An appendix is a supplement to an annex that adds information about how to carry out the function in the face of a specific hazard.

Area Command (Unified Area Command) - An organization established 1) to oversee the management of multiple incidents that are each being handled by an ICS organization, or 2) to oversee the management of large or multiple incidents to which several Incident Management Teams have been assigned.

Attack – A hostile action against the United States by foreign forces or terrorists, resulting in the destruction of or damage to military targets, injury or death to the civilian population, or damage to or destruction of public or private property.

Available Resources - Resources assigned to an incident, checked in, and available for use, normally located in a Staging Area.

Cascading Events – Additional events that occur as a direct or indirect result of an initial event.

Casualty - Any person who is declared dead or is missing, ill, or injured.

Catastrophic Incident – Any natural or man-made incident, including terrorism that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to

local, state, tribal, and private sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened.

Chain of Command - A series of command, control, executive, or management positions in hierarchical order of authority.

Citizen Corps – A community-based program, administered by FEMA that brings government and nongovernmental entities together to conduct all hazards emergency preparedness, planning, and response.

Command Staff - In an Incident Command System (ICS), the Command Staff consists of the Incident Commander and the special staff positions of Public Information Officer, Safety Officer, Liaison Officer, and other positions as required, who report directly to the Incident Commander. They may have an assistant or assistants, as needed.

Common Operating Picture (COP) - A broad view of the overall situation as reflected by situation reports, aerial photography, and other information or intelligence.

Continuity of Government (COG) - Activities that address the continuance of constitutional governance. COG planning aims to preserve and/or reconstitute the institution of government and ensure that a department or agency's constitutional, legislative and/or administrative responsibilities are maintained.

Continuity of Operations Plan (COOP) - The plan provides the organization with an operational framework for continuing its essential functions when normal operations are disrupted or otherwise cannot be conducted from the primary facility.

Coordinating Agency – The Coordinating Agency has ongoing responsibilities throughout the prevention, preparedness, response, recovery, and mitigation phases of incident management including: pre-incident planning and coordination; maintaining ongoing contact with other agencies; conducting periodic meetings; coordinating efforts with corresponding private-sector organizations; and coordinating functional activities relating to emergency planning and preparedness.

Credible Threat - A potential terrorist threat that, based on a threat assessment, is credible and likely to involve Weapons of Mass Destruction.

Critical Infrastructure - Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination. Local jurisdictions can also identify critical infrastructure pertinent to local security, economy, or public confidence.

Cultural Resources - Cultural resources include historic and prehistoric structures, archeological sites, cultural landscapes, and museum collections.

Cyber - Pertaining to computers and their support systems, such as servers, routers, and switches that support critical infrastructure.

Damage Assessment – The process used to appraise or determine the number of injuries and deaths, damages to public and private property, and status of key facilities and services resulting from a man-made or natural disaster.

Decontamination – The reduction or removal of chemical, biological, or radiological material from the surface of a structure, area, object, or person.

Deputy - A fully qualified individual who, in the absence of a superior, could be delegated the authority to manage a functional operation or perform a specific task. In some cases, a deputy could act as relief for a superior and therefore must be fully qualified in the position. Deputies can be assigned to the Incident Commander, General Staff, and Branch Directors.

Disability – According to the ADA, the term "individual with a disability" refers to "a person who has a physical or mental impairment that substantially limits one or major life activities, a person who has a history or record of such an impairment, or a person who is regarded by others as having such an impairment." See http://www.ada.gov/pubs/ada.htm for more information.

Disaster – An occurrence of a natural catastrophe, technological accident, or human-caused event that has resulted in severe property damage, deaths, and/or multiple injuries. A "large scale disaster" is one that exceeds the response capability of the local jurisdiction and requires state, and potentially Federal involvement.

Disaster Field Office (DFO) – The office is established in or near the designated area of a Presidential declared major disaster to support Federal and State response and recovery operations. The DFO houses the Federal Coordinating Officer (FCO) and Emergency Response Team (ERT) and where possible, the State Coordinating Officer (SCO) and support staff.

Disaster Recovery Center (DRC) - Facilities established in a centralized location within or near the disaster area at which disaster victims (individuals, families, or businesses) apply for disaster aid.

Earthquake – The sudden motion or trembling of the ground produced by abrupt displacement of rock masses, usually within the upper 10 to 20 miles of the earth's surface.

Emergency - Any incident, whether natural or man-made, that requires responsive action to protect life or property.

Emergency Management – For the purposes of this Plan, emergency management at the Town is generally delegated to the Police Department, with support with other departments or agencies based on the specific incident.

Emergency Medical Services- Services, including personnel, facilities, and equipment, required to ensure proper medical care for the sick and injured from the time of injury to the time of final disposition (which includes medical disposition within a hospital, temporary medical facility, or special care facility; release from the site; or being declared dead).

Emergency Operations Center (EOC) - The physical location at which the coordination of information and resources to support domestic incident management activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction.

Emergency Operations Plan (EOP) – The plan is maintained by various jurisdictional levels for responding and managing a wide variety of potential hazards. It describes how people and property will be protected; details who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines how all actions will be coordinated.

Emergency Public Information - Information that is disseminated primarily in anticipation of an emergency or during an emergency. In addition to providing situational information to the public, it also frequently provides directive actions required to be taken by the general public.

Emergency Response Team (ERT) - An interagency team, consisting of the lead representative from each Federal department or agency assigned primary responsibility for an ESF and key members of the Federal Coordinating Officer's staff, formed to assist the FCO in carrying out his/her coordination responsibilities. The ERT may be expanded by the FCO to include designated representatives of other Federal departments and agencies as needed. The ERT usually consists of regional-level staff.

Emergency Support Function (ESF) – A grouping of government and private sector capabilities into an organizational structure to provide support, resources, program implementation, and services that are most likely to be needed to save lives, protect property and the environment, restore essential services and critical infrastructure, and help victims and communities return to normal. The ESFs serve as the primary operational level mechanism to provide assistance to local, regional, or tribal governments.

Emerging Infectious Diseases - New or recurring infectious diseases of people, domestic animals, and/or wildlife, including identification, etiology, pathogenesis, zoonotic potential and ecological impact.

Environment - Natural and cultural resources and historic properties as those terms are defined in this glossary and in relevant laws.

Environmental Response Team - Established by the Environmental Protection Agency (EPA), the Environmental Response Team includes expertise in biology, chemistry, hydrology, geology, and engineering. The Environmental Response Team provides technical advice and assistance for both planning and response to discharges and releases of oil and hazardous substances into the environment.

Evacuation – The organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas. There are spontaneous, voluntary, or mandatory or directed evacuations.

Evacuees – All persons removed or moving from areas threatened or struck by a disaster.

Federal - Of or pertaining to the Federal Government of the United States of America.

Federal Coordinating Officer (FCO) - The Federal officer who is appointed to manage Federal resource support activities related to Stafford Act disasters and emergencies. The FCO is responsible for coordinating the timely delivery of Federal disaster assistance resources and programs to the affected state and local governments, individual victims, and the private sector.

First Responder - Local and nongovernmental police, fire, and emergency personnel who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment. These personnel include emergency response providers as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) who provide immediate support services during prevention, response, and recovery operations. First responders may include personnel from federal, state, local, tribal, or nongovernmental organizations.

Flash Flood – Follows a situation in which rainfall is so intense and severe and runoff is so rapid that recording the amount of rainfall and relating it to stream stages and other information cannot be done in time to forecast a flood condition.

Flood – A general and temporary condition of partial or complete inundation of normally dry land areas from overflow or tidal waters, unusual or rapid accumulation or runoff of surface waters, or mudslides/mudflows caused by accumulation of water.

Hazard – A natural or man-made source or cause of harm or difficulty.

Hazardous Material – Any substance or material that when involved in an accident and released in sufficient quantities, poses a risk to people's health, safety, and/or property. These substances and materials include explosives, radioactive materials, flammable

liquids or solids, combustible liquids or solids, poisons, oxidizers, toxins, and corrosive materials.

High-Hazard Areas - Geographic locations that, for planning purposes, have been determined through historical experience and vulnerability analysis to be likely to experience the effects of a specific hazard (e.g., hurricane, earthquake, HAZMAT accident) that would result in a vast amount of property damage and loss of life.

Historic Property - Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains which are related to such district, site, building, structure, or object.

Household Pet – Domesticated animal, such as a dog, cat, bird, rabbit, rodent, or turtle that is traditionally kept in the home for pleasure rather for commercial purposes, can travel in commercial carries, and be housed in temporary facilities. Household pets does not include reptiles (except turtles), amphibians, fish, insects/arachnids, farm animals (including horses), and animals kept for racing purposes.

Incident – An occurrence, caused by either human action or natural phenomena that may cause harm and that may require action.

Incident Action Plan (IAP) - An oral or written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

Incident Command Post (ICP) - The field location at which the primary tactical-level, on-scene incident command functions are performed. The ICP may be collocated with the incident base or other incident facilities and is normally identified by a green rotating or flashing light.

Incident Command System (ICS) - A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating with a common organizational structure, designed to aid in the management of resources during incidents. ICS is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, for organized field-level incident management operations.

Incident Commander (IC) - The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC

has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

Incident Management Team (IMT) - The Incident Commander and appropriate Command and General Staff personnel assigned to an incident.

Incident of Local or Regional Significance - An actual or potential high-impact event that requires a coordinated and effective response by, and appropriate combination of local, regional, state, federal, nongovernmental, and/or private sector entities in order to save lives, minimize damage, and provide the basis for long-term community recovery and mitigation activities.

In-Kind Donations - Donations other than cash (usually materials or professional services) for disaster survivors.

Intermediate Recovery - Phase of recovery which involves returning individuals, families, critical infrastructure and essential government or commercial services to a functional, if not pre-disaster, state. Such activities are often characterized by temporary actions that provide a bridge to permanent measures.

Joint Field Office (JFO) - A temporary federal facility established locally to provide a central point for federal, state, local, and tribal executives with responsibility for incident oversight, direction, and/or assistance to effectively coordinate protection, prevention, preparedness, response, and recovery actions. The JFO will combine the traditional functions of the JOC, the FEMA DFO, and the JIC within a single federal facility.

Joint Information Center (JIC) - A facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the JIC.

Joint Information System (JIS) – A system that integrates incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, timely information during a crisis or incident operations. The mission of the JIS is to provide a structure and system for developing and delivering coordinated interagency messages; developing, recommending, and executing public information plans and strategies on behalf of the Incident Commander (IC); advising the IC concerning public affairs issues that could affect a response effort; and controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.

Joint Operations Center (JOC) - The JOC is the focal point for all federal investigative law enforcement activities during a terrorist or potential terrorist incident or any other significant criminal incident, and is managed by the Senior Federal Law Enforcement Official (SFLEO). The JOC becomes a component of the JFO when the NRF is activated.

Jurisdiction - A range or sphere of authority. Public agencies have jurisdiction at an incident related to their legal responsibilities and authorities. Jurisdictional authority at an incident can be political or geographical (*e.g*., city, county, tribal, state, or federal boundary lines) or functional (*e.g*., law enforcement, public health).

Key Resources – Publicly or privately controlled resources essential to operation of the economy and the government. Most often linked in terminology with Critical Infrastructure.

Liaison Officer - A member of the Command Staff responsible for coordinating with Agency Representatives from cooperating and assisting agencies.

Limited English Proficiency – Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

Long Term Recovery - Phase of recovery that may continue for months or years and addresses complete redevelopment and revitalization of the impacted area, rebuilding or relocating damaged or destroyed social, economic, natural and built environments, and move to self-sufficiency, sustainability, and resilience.

Mass Care – The actions that are taken to protect evacuees and other disaster victims from the effects of the disaster. Activities include mass evacuation, mass sheltering, mass feeding, and access and functional needs support, and household pet and service animal coordination.

Major Disaster - As defined by the Stafford Act, any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought). Additionally, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Memorandums of Understanding (MOUs) - The Town of Oro Valley have a variety of MOUs that are in place for quick activation and sharing of resources during an emergency. Examples of MOUs may include, but are not limited to: response organizations; EMAC; alert and notification of the public; resource agreements for outside assistance, personnel, and equipment; medical facilities; water and wastewater utilities; and evacuation agreements.

Mitigation – The capabilities necessary to reduce loss of life and property by lessening the impact of disasters. Mitigation capabilities include, but are not limited to: community-wide risk reduction projects; efforts to improve the resilience of critical infrastructure and key resource lifelines; risk reduction for specific vulnerabilities from natural hazards or acts of terrorism; and initiatives to reduce future risks after a disaster has occurred.

Mobilization - The process and procedures used by all organizations - federal, state, local, and tribal – for activating, assembling, and transporting all resources that have been requested to respond to or support an incident.

Mobilization Center - An off-site temporary facility at which response personnel and equipment are received from the point of arrival and are pre-positioned for deployment to an incident logistics base, to a local Staging Area, or directly to an incident site, as required. A mobilization center also provides temporary support services, such as food and billeting, for response personnel prior to their assignment, release, or reassignment and serves as a place to out-process following demobilization while awaiting transportation.

Multiagency Coordination System (MACS) - A combination of resources that are integrated into a common framework for coordinating and supporting domestic incident management activities. These resources may include: facilities; equipment; personnel; procedures; and communications. An example of a MAC is an Emergency Operations Center (EOC).

Mutual Aid Agreement - A written agreement between agencies, organizations, and/or jurisdictions that they will assist one another on request by furnishing personnel, equipment, and/or expertise in a specified manner.

National - Of a nationwide character, including the federal, state, local, and tribal aspects of governance and policy.

National Counterterrorism Center (NCTC) - The NCTC serves as the primary federal organization for analyzing and integrating all intelligence possessed or acquired by the U.S. Government pertaining to terrorism and counterterrorism, excepting purely domestic counterterrorism information.

National Disaster Medical System (NDMS) - A coordinated partnership between DHS, HHS, DOD, and the Department of Veterans Affairs established for the purpose of responding to the needs of victims of a public health emergency. NDMS provides medical response assets and the movement of patients to health care facilities where definitive medical care is received when required.

National Disaster Response Framework (NDRF) – The NDRF describes the concepts and principles that promote effective Federal recovery assistance. It is a companion document to the *National Response Framework (NRF).*

National Incident Management System (NIMS) - A set of principles that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location or complexity, in order to reduce the loss of life or property and harm to the environment.

National Preparedness – The actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.

National Response Center - A national communications center for activities related to oil and hazardous substance response actions. The National Response Center, located at DHS/USCG Headquarters in Washington, DC, receives and relays notices of oil and hazardous substances releases to the appropriate Federal OSC.

National Response Framework - A concerted national effort to prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism, major disasters, and other emergencies; and minimize the damage and recover from attacks, major disasters, and other emergencies that occur.

National Response System - Pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the mechanism for coordinating response actions by all levels of government (40 CFR § 300.21) for oil and hazardous substances spills and releases.

National Response Team (NRT) - The NRT, comprised of the 16 federal agencies with major environmental and public health responsibilities, is the primary vehicle for coordinating federal agency activities under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NRT carries out national planning and response coordination and is the head of a highly organized federal oil and hazardous substance emergency response network. EPA serves as the NRT Chair, and DHS/USCG serves as Vice Chair.

National Special Security Event (NSSE) - A designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

Natural Resources - Natural resources include land, fish, wildlife, domesticated animals, plants, biota, and water. Water means salt and fresh water, surface and ground water, including water used for drinking, irrigation, aquaculture, and recreational purposes, as well as in its capacity as fish and wildlife habitat, including coral reef ecosystems as defined in 16 U.S.C. 64501. Land means soil, surface and subsurface minerals, and other terrestrial features.

Nongovernmental Organization (NGO) - A nonprofit entity that is based on interests of its members, individuals, or institutions and that is not created by a government, but may work cooperatively with government. Such organizations serve a public purpose, not a private benefit. Examples of NGOs include faith-based charity organizations and the American Red Cross.

Pollutant or Contaminant - As defined in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, or physical deformations in such organisms or their offspring.

Presidential Policy Directive 8: National Preparedness (PPD-8) – PPD-8 directs the development of a National Preparedness Goal to identify those activities that must be accomplished in order to prevent and protect against acts of terrorism in the homeland, and mitigate against, respond, to and recover from emergencies and disasters regardless of their cause.

Preparedness – The actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the Nation.

Prevention – The capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism i.e. prevention of imminent threats. Prevention capabilities include but are not limited to: information sharing and warning; domestic counterterrorism; and preventing the acquisition or use of weapons of mass destruction.

Primary Agencies – An agency that is designated as a primary agency in prevention, protection, mitigation, response or recovery operations.

Principal Federal Official (PFO) - The federal official designated by the Secretary of Homeland Security to act as his/her representative locally to oversee, coordinate, and execute the Secretary's incident management responsibilities under HSPD-5 for Incidents of National Significance.

Private Sector - Organizations and entities that are not part of any governmental structure. This includes for-profit and not-for-profit organizations, formal and informal structures, commerce and industry, private emergency response organizations, and private voluntary organizations.

Protection – The capabilities necessary to secure the homeland against acts of terrorism, and manmade or natural disasters. Protection capabilities include, but are not limited to: defense against WMD threats; defense of agriculture and food; critical infrastructure protection; protection of key leadership and events; border security; maritime security; transportation security; immigration security; and cyber security.

Public Assistance Program - The program administered by FEMA that provides supplemental federal disaster grant assistance for debris removal and disposal, emergency protective measures, and the repair, replacement, or restoration of disaster damaged, publicly owned facilities and the facilities of certain private nonprofit organizations.

Public Health - Protection, safety, improvement, and interconnections of health and disease prevention among people, domestic animals and wildlife.

Public Information Officer (PIO) - A member of the Command Staff responsible for interfacing with the public and media or with other agencies with incident related information requirements.

Public Works - Work, construction, physical facilities, and services provided by governments for the benefit and use of the public.

Rapid Disaster Assessment: A rapid assessment is a quick evaluation of what has happened and used to help prioritize response activities, allocate resources and determine the immediate need for outside assistance. In most cases, a rapid assessment will be completed within a few hours of the incident.

Recovery – Refers to those capabilities necessary to assist communities affected by an incident to recover effectively, including, but not limited to, rebuilding infrastructure systems; providing adequate interim and long-term housing for survivors; restoring health, social, and community services; promoting economic development; and restoring natural and cultural resources.

Regional Response Teams (RRTs) - Regional counterparts to the National Response Team, the RRTs comprise regional representatives of the federal agencies on the NRT and representatives of each state within the region. The RRTs serve as planning and preparedness bodies before a response, and provide coordination and advice to the federal OSC during response actions.

Resilience – The ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies.

Resources - Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an EOC.

Response – Refers to the capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred.

Risk Assessment – A product or process that collects information and assigns a vale to risks for the purpose of informing priorities, developing or comparing courses of action, and informing decision making.

Scenario - Hypothetical situation composed of a hazard, an entity impacted by that hazard, and associated conditions including consequences when appropriate.

Search and Rescue - Operational activities that include locating, extricating, and providing on-site medical treatment to victims trapped in collapsed structures.

Security – The protection of the Nation and its people, vital interests, and the way of life.

Senior Federal Official (SFO) - An individual representing a federal department or agency with primary statutory responsibility for incident management. SFOs utilize existing authorities, expertise, and capabilities to aid in management of the incident working in coordination with other members of the JFO Coordination Group.

Senior Official - The elected or appointed official who, by statute, is charged with implementing and administering laws, ordinances, and regulations for a jurisdiction. He or she may be a mayor, city manager, etc.

Service Animal - Any guide dog, signal dog, or other animal individually trained to assist an individual with a disability.

Short Term Recovery - Phase of recovery which addresses the health and safety needs beyond rescue, the assessment of the scope of damages and needs, the restoration of basic infrastructure and the mobilization of recovery organizations and resources including restarting and/or restoring essential services for recovery decision-making.

Situation Assessment - The evaluation and interpretation of information gathered from a variety of sources (including weather information and forecasts, computerized models, GIS data mapping, remote sensing sources, ground surveys, etc.) that, when communicated to emergency managers and decision makers, can provide a basis for incident management decision making.

Span of Control – The number of individuals a supervisor is responsible for, usually expressed as a ratio of supervisors to individuals. Under NIMS, an appropriate span of control is between 1:3 and 1:7.

Staging Area – Location established where resources can be placed while awaiting a tactical assignment. The operations section manages staging areas.

Standard Operating Procedure (SOP) - A complete reference document or an operations manual that provides the purpose, authorities, duration, and details for the preferred

method of performing a single function or a number of interrelated functions in a uniform manner.

State - Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

State Coordinating Officer (SCO) - The individual appointed by the Governor to coordinate state disaster assistance efforts with those of the Federal Government.

Strategic Plan - A plan that addresses long-term issues such as impact of weather forecasts, time-phased resource requirements, and problems such as permanent housing for displaced disaster victims, environmental pollution, and infrastructure restoration.

Subject-Matter Expert (SME) - An individual who is a technical expert in a specific area or in performing a specialized job, task or skill.

Subsidence – A hazard associated with the loss of ground water, or underground erosion that result in the collapse of surface earth; as in sink holes or earth fissures.

Support Agencies – Support agencies provide support to an incident, using their own authorities, subject-matter experts, capabilities, or resources.

Target Capabilities List (TCL) – A FEMA document that coupled with the National Preparedness Guidelines provides doctrine, priorities, and targets to guide preparedness capabilities. The TCL identifies long-term goals for national preparedness and defines 37 specific capabilities that communities, the private sector, and all levels of governments should collective possess in order to respond effectively to disasters.

Telecommunications - The transmission, emission, or reception of voice and/or data through any medium by wire, radio, other electrical electromagnetic or optical means. Telecommunications includes all aspects of transmitting information.

Terrorism – Under the Homeland Security Act of 2002, terrorism is defined as activity that involves an act dangerous to human life or potentially destructive of critical infrastructure or key resources and is a violation of the criminal laws of the United States or of any state or other subdivision of the United States in which it occurs and is intended to intimidate or coerce the civilian population or influence a government or affect the conduct of a government by mass destruction, assassination or kidnapping.

Threat - An indication of possible violence, harm, or danger.

Transportation Management - Transportation prioritizing, ordering, sourcing, and acquisition; time-phasing plans; fleet management; and movement coordination and tracking.

Tribe - Any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) [43 U.S.C.A. and 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Tornado - A local atmospheric storm, generally of short duration, formed by winds rotating at very high speeds, usually in a counter-clockwise direction. The vortex, up to several hundred yards wide, is visible to the observer as a whirlpool-like column of winds rotating about a hollow cavity or funnel. Winds may reach 300 miles per hour or higher.

Unaffiliated Volunteer - An individual who is not formally associated with a recognized voluntary disaster relief organization - also known as a "spontaneous" or "emergent" volunteer.

Unified Command - An application of ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the Unified Command to establish their designated Incident Commanders at a single ICP and to establish a common set of objectives and strategies and a single Incident Action Plan.

Universal Task List (UTL) – A list of 1,600 unique tasks that can facilitate efforts to prevent, protect against, respond to, and recover from the major events that are represented by the National Planning Scenarios. It presents a common vocabulary and identifies key tasks to support development of essential capabilities among organizations at all levels.

Unsolicited Goods - Donated items offered by and/or sent to the incident area by the public, the private sector, or other source, that have not been requested by government or nonprofit disaster relief coordinators.

Urban Search and Rescue – Operational activities that include locating, extricating, and providing on-site medical treatment to victims trapped in collapsed structures.

Vital Records – Records that are essential to the rights and interests of individuals, governments, corporations, and other entities, including vital statistics, land and tax records, licenses, charters, statutes, ordinances, court records, official proceedings and financial records of the City and historical information.

Volunteer - For purposes of NIMS, a volunteer is any individual accepted to perform services by the lead agency, which has authority to accept volunteer services, when the individual performs services without promise, expectation or receipt of compensation for services performed.

Volunteer and Donations Coordination Center - Facility from which the Volunteer and Donations Coordination Team operates. It is best situated in or close by the EOC for coordination purposes.

Vulnerability - A physical feature or operational attribute that renders an entity open to exploitation or susceptible to a given hazard.

Warning - The alerting of emergency response personnel and the public to the threat of extraordinary danger and the related effects that specific hazards may cause. A warning issued by the National Weather Service (e.g., severe storm warning, tornado warning, tropical storm warning), for example, for a defined area indicates that a particular type of severe weather is imminent in that area.

Watch - As defined by the National Weather Service, the indication that conditions are favorable in a defined area for the specified type of severe weather (e.g., flash flood, severe thunderstorm, tornado, and tropical storm).

Weapon of Mass Destruction (WMD) – Any destructive device; any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors; any weapon involving a biological agent, toxin, or vector, or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

WebEOC. A shared, internet based software program that allows interactive reporting, communications, resource inventory, and other command and control aspects among various users.

Whole Community – A focus on enabling the participation in national preparedness activities of a wider range of players from the private and nonprofit sectors, including nongovernmental organizations and the general public, in conjunction with the participation of Federal, state, and local governmental partners in order to foster better coordination and working relationships. Used interchangeably with "all-of-Nation."

APPENDIX II – ACRONYMS

AAR – After Action Report
ACTIC – Arizona Counter Terrorist Information Center
ADEM – Arizona Department of Emergency Management
ARC – American Red Cross
ARS – Arizona Revised Statutes
BP – Basic Plan
CAD – Computer Aided Dispatch
CBRNE – Chemical, Biological, Radiological, Nuclear, and Explosive Device
CERT - Community Emergency Response Team
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
CFO - Chief Financial Officer
CIKR - Critical Infrastructure/Key Resources
COG – Continuity of Government
CONOPS – Concept of Operations
COOP – Continuity of Operations Plan
CPG – Comprehensive Preparedness Guide
DCO - Defense Coordinating Officer
DFO - Disaster Field Office
DHS - Department of Homeland Security
DMAT - Disaster Medical Assistance Team
DMORT - Disaster Mortuary Operational Response Team
DOC - Department of Commerce
DOD - Department of Defense
DOE - Department of Energy
DOI - Department of the Interior
DOJ - Department of Justice
DOL - Department of Labor
DOS - Department of State
DOT - Department of Transportation
DPA - Defense Production Act
DRC - Disaster Recovery Center
DRM - Disaster Recovery Manager
DSCA - Defense Support of Civil Authorities
EAS - Emergency Alert System
EM – Emergency Management
EMAC – Emergency Management Assistance Compact
EMS – Emergency Medical Services
EOC - Emergency Operations Center
EOP – Emergency Operations Plan
EPA - Environmental Protection Agency
EPCRA - Emergency Planning and Community Right-to-Know Act
ESF - Emergency Support Function
FBI - Federal Bureau of Investigation
FCO - Federal Coordinating Officer
FEMA - Federal Emergency Management Agency
FIRST - Federal Incident Response Support Team
FMC - Federal Mobilization Center
FNS - Food and Nutrition Service
FOC - FEMA Operations Center
FOG - Field Operations Guide
FRC - Federal Resource Coordinator
GAR - Governor's Authorized Representative
GIS - Geographical Information System
GSA - General Services Administration
HAZMAT – Hazardous Materials
HHS - Department of Health and Human Services
HSC - Homeland Security Council
HSOC - Homeland Security Operations Center
HSPD - Homeland Security Presidential Directive
HQ - Headquarters
IAP – Incident Action Plan
IC - Incident Command
ICP - Incident Command Post
ICS - Incident Command System
IMT - Incident Management Team
IOF - Interim Operating Facility

IPAWS – Integrated Public Alert and Warning System
JFO - Joint Field Office
JIC - Joint Information Center
JIS - Joint Information System
JOC - Joint Operations Center
JTTF - Joint Terrorism Task Force
MAC – Multi-Agency Coordination
MMRS – Metropolitan Medical Response System
MOU - Memorandum of Understanding
NASA - National Aeronautics and Space Administration
NCR - National Capital Region
NCS - National Communications System
NCTC - National Counterterrorism Center
NDRF – National Disaster Response Framework
NDMS - National Disaster Medical System
NFIP – National Flood Insurance Program
NGO - Nongovernmental Organization
NICC - National Infrastructure Coordinating Center
NICC - National Interagency Coordination Center
NIMS - National Incident Management System
NIPP - National Infrastructure Protection Plan
NIRT - Nuclear Incident Response Team
NMRT - National Medical Response Team
NOAA - National Oceanic and Atmospheric Administration
NRC - Nuclear Regulatory Commission
NRCC - National Response Coordination Center
NRF - National Response Framework
NRT - National Response Team
NSC - National Security Council
NVOAD - National Voluntary Organizations Active in Disaster
NWCG - National Wildland Coordinating Group
OSC - On-Scene Coordinator
OSHA - Occupational Safety & Health Administration
PCC - Policy Coordination Committee
PDA - Preliminary Damage Assessment
PDD - Presidential Decision Directive
PFO - Principal Federal Official
POC - Point of Contact
POD – Point of Distribution
RA - Reimbursable Agreement
RAMP - Remedial Action Management Program
RCP - Regional Contingency Plan
RCRA - Resource Conservation and Recovery Act
RFI - Request for Information
RRCC - Regional Response Coordination Center
RRT - Regional Response Team
ROC - Regional Operations Center
SAC - Special Agent-in-Charge
SAR - Search and Rescue
SARA – Superfund Amendment & Reauthorization Act of 1986
SBA – Small Business Administration
SCO - State Coordinating Officer
SFLEO - Senior Federal Law Enforcement Official
SFO - Senior Federal Official
SIOC - Strategic Information and Operations Center
SITREP – Situation Report
SOG - Standard Operating Guideline
SOP - Standard Operating Procedure
TCL – Target Capabilities List
TSA - Transportation Security Administration
UASI – Urban Area Security Initiative
UC – Unified Command
USACE - U.S. Army Corps of Engineers
USCG - U.S. Coast Guard
USDA - U.S. Department of Agriculture
US&R - Urban Search and Rescue
WMD - Weapons of Mass Destruction
UTL – Universal Task List

Town Council Regular Session **Item # E.**

Meeting Date: 09/19/2012

Requested by: Amanda Jacobs **Submitted By:** Amanda Jacobs, Town Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Rescinding Resolution No. (R)12-44, A Financial Participation Agreement Between the Town of Oro Valley and TREO

RECOMMENDATION:

Staff recommends rescinding the Financial Participation Agreement (FPA) between the Town and TREO.

EXECUTIVE SUMMARY:

On June 20, 2012, Council approved a FPA between TREO.

On September 10, 2012, TREO announced they would be restructuring the organization's model. In an effort to strengthen the regionalism approach, local municipalities would no longer be charged to participate in TREO and each local jurisdiction would be invited to serve on the TREO Board of Directors, including: City of Tucson, Town of Oro Valley, Town of Marana, City of South Tucson and Town of Sahuarita. TREO will continue to effectively interact with and assist government partners to develop tools, programs and policies that are business-friendly and competitive. Pima County will retain its seat on the TREO Board of Directors as a regional partner.

Based on this new model, TREO and staff recommend rescinding the current FPA.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

Rescinding the FPA will result in a positive impact of $41,011 in the Bed Tax Fund for FY 2012/13.

SUGGESTED MOTION:

I move to rescind the Financial Participation Agreement between the Town of Oro Valley and Tucson Regional Economic Opportunities Inc. that was approved by Resolution (R)12-44.

Attachments

TREO FPA 2012-13

RESOLUTION NO. (R)12-44

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC.

WHEREAS, the Town of Oro Valley is a political subdivision of the State of Arizona vested with all associated rights, privileges and benefits and is entitled to the immunities and exemptions granted municipalities and political subdivisions under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with Tucson Regional Economic Opportunities, Inc. (TREO); and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with TREO, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc., attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. The Mayor and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 20th day of June, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: 6/21/12

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: 6/20/12

EXHIBIT "A"

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2012, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Tucson Regional Economic Opportunities, Inc.,** a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

WHEREAS, it has been determined that the activities of Agency are in the public interest, and are such as to improve and promote the public welfare of the Town; and

WHEREAS, the Mayor and Council have determined that to financially participate in the promotion of the activities of Agency is a public purpose in that the activities confer direct benefit of a general character to a significant part of the public.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do mutually agree as follows:

Section 1: Statement of Purpose

Agency shall oversee the implementation of the Economic Blueprint for the region to ensure and improve the vitality of the larger community, including the Town, by complementing the community's economic development resources. Agency shall support the Town's goals as stated in its Community Economic Development Strategy (CEDS).

Section 2: Services to be Performed by Agency

Agency performance measures for Fiscal Year 2012/13 are as follows:

1) Facilitate High Wage Job Creation and Capital Investment
   Strategies:
   - Attend 2 sales mission/trade shows related to the bioscience industry.
   - Host 4 prospects regionally, including presentation of Oro Valley and provide economic impact analyses. The following chart contains performance measures for the Agency that tracks the Agency's regional performance for the items listed within the chart. Given the current funding levels for Agency within the region, Agency expects to achieve the threshold numbers. The target and stretch numbers are included to demonstrate what Agency might be capable of achieving with additional funding throughout the region.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

	Threshold	Target	Stretch
# of Jobs	1000	1500	2500
% of Jobs in Target Industry	30%	40%	60%
# Qualified Prospects	50	70	90
National Earned Media	2.5m	3.0m	3.5m

- Conduct 4 outreach meetings with regional primary employers to discuss current and future issues associated with operations, workforce, sales, local government, and other important matters. These meetings will focus on businesses within the four targeted industries and primary employers which produce goods and services in excess of what can be consumed by the local market.

2) National / International Marketing of Region

Strategies:

- Conduct 5 outreach meetings with Town officials and primary employers in Oro Valley to discuss "Gateway Tucson," TREO's new spousal program, which will launch in Fall 2012.
- Communicate with Oro Valley on TREO initiatives via the "Monday Memo" and attend monthly meetings with the Economic Development Manager.
- Feature Town of Oro Valley on TREO's website, under 'TREO Investor Database.'

3) Advocacy on Competitiveness Issues

Strategies:

- Prepare regional Economic Blueprint status report and appoint one Town official to participate on the committee overseeing the effort.

Section 3: Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Forty One Thousand and Eleven Dollars ($41,011) shall be allocated to Agency.

Section 4: Responsibility for Open Records

Agency agrees to open to the public all records relating to any funds directly received from the Town that Agency distributes to any organization and/or individual.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
B. Agency agrees to give explanations for any variance in the expected performance for each measure.
C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).
D. Agency agrees to review and present such reports to the Town Council in open meetings on an "as requested" basis.

Section 6: Accountability

Agency shall maintain a true and accurate accounting system which meets generally accepted accounting principles, and which is capable of properly accounting for all expenditures and receipts of Agency on a timely basis. In addition, Agency shall maintain evidence of its compliance with the nondiscrimination provisions of this Agreement.

Agency's accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

Agency shall provide the Finance Department of the Town, 30 days after TREO Board's approval, a copy of the financial audit of Agency's operations by an independent certified public accountant, along with any management letter and, if applicable, Agency's plan for corrective action.

At any time during or after the period of this Agreement, the Town Finance Department and/or a Town agent may audit Agency's overall financial operation or compliance with the nondiscrimination clause of this Agreement for the Agreement period. Agency shall provide any financial reports, nondiscrimination policies and procedures or other documentation necessary to accomplish such audits.

Section 7: Matching Grants

Agency agrees to obtain Mayor and Council approval prior to applying for any matching grants involving the commitment of Town funds.

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

Agency agrees to include in all of its sub-recipient funding agreements the nondiscrimination provisions contained in Section 8 herein.

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2012 through June 30, 2013. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

A. The Mayor and Council of the Town determine the services of Agency are in the public interest and allocate funds therefore; and
B. The parties mutually agree to a scope of services to be provided by Agency in any subsequent fiscal year.

Any extension of this Agreement shall be memorialized in writing and signed by the Parties.

Section 11: Payment Withholding, Reduction, or Termination

The Town may withhold whole or part of the scheduled payment, reduce, or terminate funding allocations to Agency if:

A. Services are not rendered.
B. Agency fails to supply information or reports as required.
C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
D. Agency fails to make required payments to subcontractors.
E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.

F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

Such payment reductions or payment termination may result in Agency receiving a lesser total Town allocation under this Agreement than the maximum funding allocated. If reasons for withholding payments other non-appropriation of funds have been corrected to the satisfaction of the Town, any amounts due shall be processed.

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2013.

Section 12: Termination of Agreement

This Agreement may be terminated at any time by mutual written consent, or by either party giving thirty (30) days written notice to the other party or at such time, as in the opinion of the Town, Agency's performance hereunder is deemed unsatisfactory.

Section 13: Method of Payment

The parties have agreed that Agency will receive up to $41,011, which is based on the 2010 Census population for Oro Valley (41,011) and a per capita rate of $1. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2012. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

Section 16: Insurance

Agency agrees to:

A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.

B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

C. Agency will provide and maintain minimum insurance limits as follows:

COVERAGE AFFORDED	LIMITS OF LIABILITY
1. Workers' Compensation	Statute
2. Employer's Liability	$100,000
3. Comprehensive General Liability Insurance -- Including: (1) Products and Completed Operations (2) Blanket Contractual	$1,000,000 - Bodily Injury and Combined Single Limit $100,000 Property Damage

D. Agency shall adequately insure itself against claims based upon unlawful discrimination and violation of civil rights. The cost of this insurance shall be borne by Agency.

Section 17. Use of the Town Logo

The Town Logo shall be used for the recognition of the Town's contribution to Agency only.

Section 18: Conflict of Interest

This Agreement is subject to the conflict of interest provisions of A.R.S. § 38-511, *et seq.*

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

TOWN OF ORO VALLEY, a municipal corporation

Dr. Satish I. Hiremath, as Mayor
and not personally

ATTEST:

Julie K. Bower, as Town Clerk
and not personally

Date: 7/11/12

APPROVED AS TO FORM:

Tobin Rosen, as Town Attorney
and not personally

Date: 7/10/12

TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC., a non-profit Corporation

Agency Representative
and not personally

Title President & CEO

State of Arizona)
) ss.
County of)

On this 30 day of JULY, 2012, JOSEPH SNELL, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on JULY 30, 2012.

Notary

My Commission Expires: 11-29-2015

Phyllis G. Verdugo
Notary Public
Pima County, Arizona
My Comm. Expires 11-29-15

Town Council Regular Session **Item # 1.**

Meeting Date: 09/19/2012

Requested by: Craig Civalier **Submitted By:** Mike Valencic, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12–13, RELATING TO REDUCED SPEED LIMITS IN CONSTRUCTION ZONES; AMENDING ORO VALLEY TOWN CODE BY AMENDING SECTION 11-3-3 (B) AND ADDING SECTION 11-3-19, “CONSTRUCTION ZONE SPEED LIMITS"

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Currently, double fines in construction zones are non-enforceable because the Town does not have an Ordinance to that effect. This Ordinance reflects state law related to double fines in construction zones where reduced speed limit signs are present. Additional signage in work zones indicating the doubling of fines will be required pursuant to this Ordinance.

BACKGROUND OR DETAILED INFORMATION:

Occupational Safety and Health Administration (OSHA) studies indicate that roadway construction work zones are one of the most hazardous work areas. In order to provide safer construction work zones for Town projects, the Town Engineer, with concurrence of the Police Chief, deem this action necessary. This Ordinance amends Town Code Section 11-3-3 (B), and adds Section 11-3-19. One of the stipulations of this Ordinance requires additional construction work zone signage to provide notice to motorists of the reduced speed limits to avoid travelling at greater speeds than posted. This will result in double the usual speeding fines.

This Ordinance is in conformance with Arizona Revised Statutes Section 28-652. The desired outcome is to create safer construction work zones through an enforceable ordinance.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) ORDINANCE NO. (O)12-13, RELATING TO REDUCED SPEED LIMITS IN CONSTRUCTION ZONES.

Attachments

Ord 12-13

ORDINANCE NO. (O)12-13

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, RELATING TO REDUCED SPEED LIMITS IN CONSTRUCTION ZONES; AMENDING ORO VALLEY TOWN CODE BY AMENDING SECTION 11-3-3 (B) AND ADDING NEW SECTION 11-3-19, "CONSTRUCTION ZONE SPEED LIMITS;" REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, pursuant to Oro Valley Town Code Section 11-3-3, "Traffic Control Devices," the Town Engineer with concurrence from the Chief of Police, shall place and maintain traffic control devices to enforce and regulate traffic under the traffic laws of the Town or under state law or to guide or warn traffic; and

WHEREAS, the Town desires to update the maximum fine provided in Oro Valley Town Code Section 11-3-3; and

WHEREAS, for the health and safety of motorists the Town desires to adopt regulations doubling civil traffic fines in construction zones; and

WHEREAS, the proposed new construction zone regulations will permit the town to post traffic control devices indicating double fines for exceeding the construction zone speed limit; and

WHEREAS, penalties are based on the Oro Valley Magistrate Court's bond schedule as approved by Council, which states a base fine amount of $123.00; and

WHEREAS, the Town deems it necessary to amend Oro Valley Town Code by amending Section 11-3-3 and adding Section 11-3-19 to enforce the use of traffic control devices along roadway construction zones that indicate that double civil penalties will be imposed for exceeding the posted speed limit when workers are present in construction zones in order to preserve the peace, health, and safety of the roadways in the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, as follows:

SECTION 1: Section 11-3-3(B), Traffic Control Devices, is amended to read as follows, with additions being shown in ALL CAPS:

Section 11-3-3(B) Traffic Control Devices

B. The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by the police chief, subject to the exceptions granted in this chapter or by state law. THE PENALTY FOR FAILING TO OBEY A TRAFFIC CONTROL DEVICE SHALL BE A MAXIMUM OF $123.00.

SECTION 2: Section 11-3-19, Construction Zone Speed Limits, is amended to read as follows, with additions being shown in ALL CAPS and deletions being shown in ~~Strikethrough text~~:

Section 11-3-19 Construction Zone Speed Limits

A. THE TOWN ENGINEER IS AUTHORIZED TO ESTABLISH REDUCED SPEED LIMITS WITHIN CONSTRUCTION ZONES. IN ACCORDANCE WITH THE MOST RECENTLY ADOPTED EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND/OR SOUND ENGINEERING PRACTICES, THE REDUCED SPEED LIMITS SHALL BE IMPLEMENTED WHEN THE TOWN ENGINEER DETERMINES THAT THE PERMANENT SPEED LIMIT SET FOR THAT ROADWAY UNDER CONSTRUCTION IS NOT REASONABLE OR SAFE UNDER THE EXISTING CONDITIONS.

B. ANY REDUCED SPEED LIMIT ESTABLISHED BY THE TOWN ENGINEER SHALL BE EFFECTIVE ONLY FOR THE DURATION OF THE ROADWAY CONSTRUCTION. CONSTRUCTION SHALL MEAN ANY ROAD WORK BY THE TOWN OR ANY CONTRACTOR OR SUBCONTRACTOR PERFORMING SUCH CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE AT THE DIRECTION OF THE TOWN.

C. THE REDUCED SPEED LIMITS SHALL BECOME EFFECTIVE WHEN THE REGULATORY SPEED LIMIT SIGNS (BLACK TEXT ON WHITE BACKGROUND STATING THE SPEED LIMIT) HAVE BEEN ERECTED UPON OR AROUND THE CONSTRUCTION ZONE IN A CLEAR VISIBLE MANNER, AND THE PERMANENT SPEED LIMIT SIGNS ARE COVERED OR OTHERWISE NOT VISIBLE TO MOTORISTS.

D. THE TRAFFIC CONTROL DEVICES, INDICATING THAT DOUBLE CIVIL PENALITIES WILL BE IMPOSED FOR EXCEEDING THE SPEED LIMIT IN A CONSTRUCTION ZONE, SHALL BE POSTED AT LEAST ONE THOUSAND (1000’) FEET FEFORE ENTERING THE TEMPORARY CONSTRUCTION ZONE INDICATING THE BEGINNING OF THE CONSTRUCTION ZONE AND SHALL BE POSTED TO INDICATE THE END OF THE CONSTRUCTION ZONE. IN

ADDITION, SUCH TRAFFIC CONTROL DEVICES SHALL BE POSTED AT LEAST EVERY TWENTY-FIVE HUNDRED (2500') FEET WITHIN THE CONSTRUCTION ZONE.

E. IT SHALL BE UNLAWFUL FOR A PERSON TO DRIVE IN A CONSTRUCTION ZONE AT A SPEED GREATER THAN THE SPEED POSTED FOR THAT ZONE. VIOLATIONS OF THE CONSTRUCTION ZONE SPEED LIMIT ARE SUBJECT TO DOUBLE FINES UNDER ORO VALLEY TOWN CODE SECTION 11-3-3.

SECTION 2. Pursuant to ARS § 41-1346, the Town shall maintain efficient record management for local public records and it has been determined that this Ordinance is a public record with three copies of said Ordinance to remain of file in the office of the Town Clerk.

SECTION 3. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are herby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona 19th day of September, 2012.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

Town Council Regular Session **Item # 2. a.**

Meeting Date: 09/19/2012

Requested by: Philip Saletta **Submitted By:** Philip Saletta, Water

Department: Water

Information

SUBJECT:

RESOLUTION NO. (R)12-54, A RESOLUTION DECLARING THE PROPOSED AMENDMENTS TO THE "WATER CODE", CHAPTER 15 OF THE ORO VALLEY TOWN CODE AT SECTIONS 15-12-1 THROUGH 15-12-5 AND SECTIONS 15-13-1 AND 15-13-2 ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare Chapter 15 of the Oro Valley Town Code at Sections 15-12-1 through 15-12-5 and Sections 15-13-1 and 15-13-2 document a matter of public record. The draft amendments are available for public inspection in the office of the Town Clerk. If adopted, the final version, as approved by Town Council, will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

The proposed Resolution will become a public record upon adoption by Town Council. The Town will save on advertising costs since if the Town adopts this resolution, the Town will forgo publishing the entire document in print form. The adopted version will be published on the Town website.

FISCAL IMPACT:

The Town willl save on advertising costs by approving this Resolution and making these amendments a public record.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)12-54.

Attachments

Reso 12-54

Exhibit "A" - PM LEA Code Changes

RESOLUTION NO. (R)12-54

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING THE PROPOSED AMENDMENTS TO THE "WATER CODE", CHAPTER 15 OF THE ORO VALLEY TOWN CODE AT SECTIONS 15-12-1 THROUGH 15-12-5 AND SECTIONS 15-13-1 AND 15-13-2 ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that the proposed amendments to the "Water Code", Chapter 15 of the Oro Valley Town Code at Sections 15-12-1 through 15-12-5 and Sections 15-13-1 and 15-13-2 of the Oro Valley Town Code, three copies of the proposed amendments which are on file in the office of the Town Clerk, are hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of Oro Valley, Arizona, this 19th day of September, 2012.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

Article 15-12
CONSTRUCTION OF FACILITIES OTHER THAN BY TOWN

Sections:

15-12-1 Approval of Construction of Facilities Other than By Town WATER UTILITY
15-12-2 Approval of Construction Plans and Inspection
15-12-3 Line Extension Agreement
15-12-4 LINE EXTENSION Agreements WITH Protected Facilities
15-12-5 CONSTRUCTION OF PROTECTED FACILITIES BY THE WATER UTILITY

15-12-1 Approval of Construction of Facilities Other than By Town WATER UTILITY

The Town Council and/or the Town of Oro Valley Water Utility Director, at its discretion and option, may permit the construction of water facilities by A PARTY other than the Town through the use of line extension agreements. The facilities shall be constructed at the sole expense of the PARTY. THESE FACILITIES MAY BE CONSTRUCTED within ROADWAYS, avenues, alleys and WTHIN right-of-ways AND easements and subject to payment of any permits, or other fees OR CHARGES, which are due the Town AND ITS WATER UTILITY. Facilities shall include, but are not limited to, wells, pumps, storage tanks and reservoirs, WATER mains, valves, HYDRANTS, meters and other appurtenances to the water system both within THE PARTY'Ss proposed development as well as outside the development. It shall be any such configuration of the facilities deemed necessary or desirable by the Town Water Utility to MEET DESIGN REQUIREMENTS AND serve the new development. All titles, rights, or interests IN THE FACILITIES shall be transferred to the Town of Oro Valley upon acceptance of fully constructed improvements. THE PARTY shall provide the Water Utility with the minimum following information: Approved construction plans (WATER PLAN); approval to construct issued by the Pima County Department of Environmental Quality; itemized invoices of the actual costs to construct; lien releases; proof of insurance; and, upon completion of construction, as-built plans of the project, RECORDED EASEMENTS and applicable testing and inspection documentation.

(00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-2 Approval of Construction Plans and Inspection

Plans for construction of water facilities to be constructed by parties other than by the Town WATER UTILITY shall be provided by the PARTY, certified by a registered professional engineer, and approved by the Water Utility Director OR THE DIRECTOR'S DESIGNEE. The PARTY shall be responsible to pre-pay WATER plan review fees AND CONSTRUCTION INSPECTION FEES as directed by the Town Water Utility. CONSTRUCTION OF WATER FACILITIES SHALL NOT START UNTIL A GRADING PERMIT AND/OR RIGHT-OF-WAY PERMIT HAS BEEN ISSUED. The construction of water facilities, as authorized and approved by the Town WATER UTILITY shall be regularly inspected by the Water Utility, or ITS authorized agent, and shall comply with

the engineering, construction, material, and installation standards adopted by the Town of Oro Valley.

(00-26, Amended, 08/16/2000; 00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-3 Line Extension AgreementS

A line extension agreement for water facilities constructed in accordance with Articles 15-11 and 15-12, shall be prepared by the Water Utility Director, or THE DIRECTOR'S DESIGNEE, and shall be executed by the PARTY prior to THE START of CONSTRUCTION. THE WATER UTILITY DIRECTOR MAY EXECUTE ANY LINE EXTENSION AGREEMENT ON BEHALF OF THE TOWN SUBJECT TO THE REQUIREMENTS OF SECTIONS 15-12-4 AND 15-13-3.

LINE EXTENSION AGREEMENTS shall, at a minimum, identify the PARTY; the project; the engineer's plan number; fees; oversizing refunds (if applicable); engineering requirements; inspection authority; construction procedures; indemnity, dedication of EASEMENTS AND facilities; description of subject property; cost estimate details for on-site and off-site facilities; cost estimate detail for facility oversizing AND PROTECTED MAIN FACILITIES IF APPLICABLE; and A certificate of approval to construct the project issued by the Arizona Department of Environmental Quality and/or the Pima County Department of Environmental Quality. The Town Attorney shall review and approve all line extension agreements prior to execution.

(00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-4 LINE EXTENSION Agreements WITH Protected Facilities

The general policy of the Town regarding extension of the water system through private contracts is that all costs associated with construction of water system facilities needed to serve a new customer OR PROPERTY, shall be paid by that PARTY DEVELOPING THE PROPERTY. However, in some cases facilities are installed in such a manner as to MAKE water service AVAILABLE to a property that did not participate in the original installation of the facility, therefore; the participating party may be eligible for a refund of a portion of the construction costs through the collection of a protected facilities CHARGE levied against ANY AND all non-participating PARTY(IES) WHO REQUEST service from AND WILL CONNECT TO the PROTECTED facility.

A. Definitions.

Agreement (or) Protected Facility Agreement: that portion of the "Agreement for Construction of Water Facilities Under Private Contract" pertaining to the protected facility program.

Non-Participating Party: DEVELOPERS, PROPERTY OWNERS, AND/OR OTHER APPLICANTS FOR WATER SERVICE FROM THE PROTECTED FACILITY THAT DID NOT

PARTICIPATE IN THE ORIGINAL INSTALLATION AND CONSTRUCTION COSTS OF THE PROTECTED FACILITES.

Participating Party: DEVELOPERS, PROPERTY OWNERS, AND/OR OTHER APPLICANTS sharing in the construction costs of water facility installation designated as a protected facility. **Protected Facility:** any water facility installed by private contract in such a manner as to provide water service to any property adjacent to the water facility that did not participate in the costs of the facility.

PROTECTED FACILITY CHARGES: THE AMOUNT OF THE FEE REQUIRED TO BE PAID BY A PARTICIPATING PARTY FOR WATER SERVICE FROM A CONNECTION TO A PROTECTED FACILITY.**Refunds:** reimbursement of construction costs on protected facilities TO THE PARTICIPATING PARTYfrom the collection of Protected Facility Charges LESS THE PARTICIPATING PARTY'S SHARE OF THE PROTECTED FACILITIES CHARGES. B. Policy. Any extension of the Town's water distribution system, installed by private contract, that may potentially provide water service to properties which have not participated in the installation costs, will be designated as a "protected facility" , WHEN REQUESTED BY THE PARTICIPATING PARTY. Whenever a water facility is installed as a protected facility, it will be the policy of the Town to refund a portion of the construction costs to the party that financed the original water facility installation through the collection of a protected facility fee, levied against all non-participating applicants for service from the facility. C. THE WATER UTILITY DIRECTOR MAY EXECUTE LINE EXTENSION AGREEMENTS WITH PROTECTED FACILITIES IF FUNDS ARE EXPECTED TO BE AVAILABLE FROM PAYMENTS FROM NON-PARTICIPATING PARTY(IES). THE TOWN AND/OR ITS WATER UTILITY WILL NOT CONVEY OR TRANSFER ANY REFUNDS TO THE PARTICIPATING PARTY UNDER ANY LINE EXTENSION AGREEMENT THAT INCLUDES PROTECTED FACILITIES UNLESS AND UNTIL THE REQUIRED PAYMENTS ARE COLLECTED AND RECEIVED FROM A NON-PARTICIPATING PARTY.

D. THE PROTECTED FACILITIES CHARGES WILL BE SET AT FIFTY PERCENT (50%) OF THE PER FOOT COST, INCLUDING ANY APPURTENANCES SUCH AS VALVES AND HYDRANTS, AT THE TIME OF CONSTRUCTION FOR THE MINIMUM SIZE FACILITY INSTALLATION AND BASED ON THE LINEAL FOOTAGE OF THE NON-PARTICIPATING PROPERTY FRONTING THE PROTECTED FACILITY. This CHARGE will be calculated based on THE costs AT THE TIME OF CONSTRUCTION AS SET FORTH IN THE LINE EXTENSION AGREEMENT. The CHARGE for other protected facilities (NOT PIPELINES AND APPURTENANCES) will be determined by the Utility Director OR THE DIRECTOR'S DESIGNEE based on the specific facility and the benefit realized by non-participating parties.

E. THIS AGREEMENT WILL REMAIN IN EFFECT UNTIL EITHER THE FULL SUM, LESS THE PARTICIPATING PARTY'S(IES') SHARE OF THE PROTECTED FACILITIES CHARGES BASED ON THEIR FRONTING FOOTAGE, HAS BEEN REFUNDED OR FOR A PERIOD OF

FIFTEEN (15) YEARS FROM THE EFFECTIVE DATE OF THE AGREEMENT. ANY BALANCES REMAINING UNPAID AFTER THIS TIME SHALL BE CONSIDERED CANCELLED, AND THE TOWN SHALL BE FULLY DISCHARGED FROM ANY FURTHER OBLIGATIONS AND PAYMENT OF REFUNDS UNDER THE AGREEMENT.

F. Procedures.1. Designation of water facilities as protected.a. The Utility Director OR THE DIRECTOR'S DESIGNEE will have the responsibility of determining whether a facility should be DESIGNATED as protected based on a review of the WATER plan(s).b. The Utility DIRECTOR OR THE DIRECTOR'S DESIGNEE will then initiate the "Agreement for Construction of Water Facilities Under Private Contract" indicating that portion, if any, of the facility installation DESIGNATED AS A PROTECTED FACILITY AND relevant to the protected facility section of the agreement.c. The Utility Director OR THE DIRECTOR'S DESIGNEE will be responsible for ensuring that all participating properties are noted on the WATER plan(s) and that the plan(s) clearly indicateS all protected facilities.d. The Utility Director OR THE DIRECTOR'S DESIGNEE will calculate the total refund due based on the length of pipeline specified as protected facilities on the plans and current construction costs.

. 2. Refunds from non-participating connections to protected facilities.a. Upon completion and acceptance of the water facilities installed pursuant to a protected facility agreement, the participating party may be eligible for refund of that portion of the cost that is not directly attributable to providing water service solely to participating properties.

b. When application is received by the Town for a water service or water main connection to a protected facility by a non-participating property benefiting from the facility, the Town will collect the THE PROTECTED FACILITIES CHARGES. These CHARGES shall be refunded to the participating partybased upon PER FOOT COSTS AT THE TIME OF CONSTRUCTION, FRONTING FOOTAGE AND the "as-built" plans of the protected facility installed.

c. In no event will the aggregate amount refunded exceed the full, authorized refundable portion of the cost of the water facility installed

d. The WATER UTILITY will maintain an accounting record of each protected facility agreement. Within this record, all protected facility payments and refunds will be monitored and logged. Protected facilities fees will continue to be collected until either the total refund amount has been collected or for a period of FIFTEEN (15) years from the effective date of the agreement.

e. Waiver of protected facility CHARGES can only be granted by the party that originally financed the installation of the protected facility. The WATER UTILITY will require a notarized letter granting the waiver prior to waiving the fee FROM THE PARTICIPATING PARTY(IES).

3. Collection of protected facility CHARGES from non-participating properties.

a. As early in the platting and/or plan review process as is practical, the Water Utility Director OR THE DIRECTOR'S DESIGNEE will inform THE non-participating PARTY APPLYING FOR for WATER service that a protected facility CHARGE is required, whenever their property has frontage on a protected facility and their WATER plan(s) callS for service and/or water main connections to that PROTECTED facility.

b. At the time of WATER planREVIEW FOR A NON-PARTICIPATING PARTY, an estimate of the applicable protected facility CHARGES will be calculated based on the front footage. Payment of this CHARGE will be required prior to installation of meters.

G. ALL PROPERTY OWNED BY THE PARTICIPATING PARTY(IES) THAT COULD BE SERVED BY THE PROTECTED FACILITIES WILL BE CONSIDERED PARTICIPATING PARTIES

H. IF AN APPLICANT FOR WATER SERVICE CONNECTS TO THE END OF A PROTECTED FACILITY AND THERE IS NO FRONTING FOOTAGE FOR THE APPLICANT'S PROPERTY FOR THE PROTECTED FACILITY, NO PROTECTED FACILITY CHARGES WILL BE ASSESSED TO OR COLLECTED FROM THE APPLICANT.

15-12-5 CONSTRUCTION OF PROTECTED FACILITIES BY THE WATER UTILITY

THE WATER UTILITY IS AUTHORIZED AND MAY CHOOSE TO PROTECT FACILITES IT CONSTRUCTS THAT ARE NOT PAID FOR BY WATER DEVELOPMENT IMPACT FEES.

((O)07-41, Amended, 11/07/2007; 98-28, Added, 07/15/1998)

Article 15-13
WATER SYSTEM CAPACITY REQUIREMENTS, OVERSIZING, REFUNDS FOR OVERSIZED CAPACITY

Sections:

15-13-1 Water System Capacity Requirements
15-13-2 Oversizing Refunds

15-13-1 Water System Capacity Requirements

The Water Utility DIRECTOR OR THE DIRECTOR'S DESIGNEE may require THE PARTICIPATING PARTY to install "on-site" or "off-site" water facilities of a size greater than is required to provide service to THE development OR PROPERTY.

(96-13, Enacted, 03/25/1996)

15-13-2 Oversizing Refunds

A. The Utility may require the oversizing of transmission lines that extend the water lines to the subject property. The UTILITY will refund the oversizing of a transmission line by reimbursing the PARTICIPATING PARTY for the CONSTRUCTION cost difference between what was required to deliver water to the subject property and what was requested to enhance the water system for future growth. Should a distribution main be requested to be oversized BY THE UTILITY, the UTILITY would use the same manner of refund as with an oversized transmission line.

B. THE WATER UTILITY DIRECTOR MAY EXECUTE A LINE EXTENSION AGREEMENT WITH OVERSIZING OF FACILITIES ON BEHALF OF THE TOWN FOR OVERSIZING REFUNDS.

(96-13, Enacted, 03/25/1996)

Town Council Regular Session **Item # 2. b.**

Meeting Date: 09/19/2012

Requested by: Philip Saletta **Submitted By:** Philip Saletta, Water

Department: Water

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-14, AMENDING CHAPTER 15, WATER CODE OF THE ORO VALLEY TOWN CODE, SECTIONS 15-12-1 THROUGH 15-12-4 AND ADDING SECTION 15-12-5; AND SECTIONS 15-13-1 THROUGH 15-13-2

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This Ordinance amends Town Code Chapter 15, Articles 15-12 and 15-13 regarding Line Extension Agreements with Protected Facilities. Currently, the Water Utility Director can execute Line Extension Agreements that do not include protected facilities. Line Extension Agreements with Protected Facilities are approved by Council. These are routine agreements with developers to extend the water system and once approved by Council are administered by the Water Utility.

The proposed changes streamline the approval process for new development by allowing for administrative execution of these agreements by the Water Utility Director.

The primary changes are as follows:

- Allows for the administrative approval and execution of Line Extension Agreements with Protected Facilities by the Water Utility Director.
- Allows for a fifteen (15) year period for the administration of Line Extension Agreements with Protected Facilities to collect and disburse Protected Facilities Charges.
- No funds will be disbursed prior to the collection of the Protected Facilities Charges.
- Allows for the execution of Line Extension Agreements with Protected Facilities and Oversizing by the Water Utility Director.
- Allows the Water Utility to protect facilities it constructs to benefit the Town and extension of the water system.

BACKGROUND OR DETAILED INFORMATION:

Line Extension Agreements are routine agreements between the Town and property owners to extend the water system. When property owners extend water pipelines or facilities that may benefit adjacent or nearby properties the developer can choose to enter into a Line Extension Agreement with Protected facilities. The developer is reimbursed for part of the costs of the construction, in accordance with this agreement, by the adjacent property owner that would benefit from these facilities. Hence the name *protected main or protected facilities*. In most cases, this is for pipeline construction that crosses and fronts on adjacent and nearby properties. Protecting water mains or other water facilities benefits all parties involved and is fair to both the original developer and the future developer. It also facilitates the orderly extension of the water system. Once a Line Extension Agreement is approved it is

then administered by the Water Utility. No funds are disbursed unless collected beforehand and therefore the Town and the Water Utility do not incur any obligation prior to the collection of the Protected Facilities Charges.

Currently the Water Code allows the Water Utility Director to execute Line Extension Agreements that do not include protected facilities and these agreements are also administered by the Water Utility. Both agreements allow for the orderly extension of the water system and the transfer of the pipeline and/or water facilities assets to the Water Utility.

FISCAL IMPACT:

There is no fiscal impact since no funds will be disbursed prior to collection of the Protected Facilities Charge.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)12-14, AMENDING CHAPTER 15, WATER CODE OF THE ORO VALLEY TOWN CODE, SECTIONS 15-12-1 THROUGH 15-12-4 AND ADDING SECTION 15-12-5; AND SECTIONS 15-13-1 THROUGH 15-13-2.

Attachments

Ord 12-14

Town Code Article 15-12

ORDINANCE NO. (O)12-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 15, WATER CODE OF THE ORO VALLEY TOWN CODE, SECTIONS 15-12-1 THROUGH 15-12-4 AND ADDING SECTION 15-12-5; AND SECTIONS 15-13-1 THROUGH 15-13-2 AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; AND PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, on March 25, 1996, the Town Council approved Ordinance No. (O)96-13, which adopted that certain document entitled Chapter 15, Water Code of the Oro Valley Town Code; and,

WHEREAS, proposed changes to be made to Chapter 15, Water Code of the Oro Valley Town Code, primarily include language that protected main line extension agreements may be executed by the Water Utility Director on behalf of the Town. Additionally, these protected main line extension agreements may be administered for a period of 15 years, may include provisions for oversizing of facilities, and may include protection of facilities constructed by the Water Utility.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona that:

1. The certain amended Chapter 15, Water Code of the Oro Valley Town Code, including Sections 15-12-1 through 15-12-5 and Sections 15-13-1 through 15-13-2, which amendments are attached hereto as Exhibit "A" with additions shown in ALL CAPS and deletions in strikethrough, is hereby adopted.

2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona 19th day of September, 2012.

TOWN OF ORO VALLEY

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

EXHIBIT “A”

Article 15-12
CONSTRUCTION OF FACILITIES OTHER THAN BY TOWN

Sections:

15-12-1 Approval of Construction of Facilities Other than By Town WATER UTILITY
15-12-2 Approval of Construction Plans and Inspection
15-12-3 Line Extension Agreement
15-12-4 LINE EXTENSION ~~Construction~~ Agreements~~;~~ WITH Protected Facilities
15-12-5 CONSTRUCTION OF PROTECTED FACILITIES BY THE WATER UTILITY

15-12-1 Approval of Construction of Facilities Other than By Town WATER UTILITY

The Town Council and/or the Town of Oro Valley Water Utility Director, at its discretion and option, may permit the construction of water facilities by ~~parties~~ A PARTY other than the Town through the use of line extension agreements. The facilities shall be constructed at the sole expense of the ~~applicant~~PARTY. THESE FACILITIES MAY BE CONSTRUCTED within ROADWAYS, avenues, alleys and WTHIN right-of-ways ~~pursuant to grants~~ AND~~of~~ easements and subject to payment of any ~~excavation,~~ permits, or other fees OR CHARGES, which are due the Town AND ITS WATER UTILITY. Facilities shall include, but are not limited to, wells, pumps, storage tanks and reservoirs, WATER mains, valves, HYDRANTS, meters and other appurtenances to the water system both within THE PARTY'S~~an applicant's~~ proposed development as well as outside the development. It shall be any such configuration of the facilities deemed necessary or desirable by the Town Water Utility to MEET DESIGN REQUIREMENTS AND serve the new development. All titles, rights, or interests IN THE FACILITIES shall be transferred to the Town of Oro Valley upon acceptance of fully constructed improvements. ~~Private contractors~~ THE PARTY shall provide the ~~Town~~Water Utility with the minimum following information: Approved construction plans (WATER PLAN); approval to construct issued by the Pima County Department of Environmental Quality; itemized invoices of the actual costs to construct; lien releases; proof of insurance; and, upon completion of construction, as-built plans of the project, RECORDED EASEMENTS and applicable testing and inspection documentation.

(00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-2 Approval of Construction Plans and Inspection

~~Prior to issuance of a grading permit, p~~ Plans for construction of water facilities to be constructed by parties other than by the Town WATER UTILITY -shall be provided by the ~~applicant~~PARTY, certified by a registered professional engineer, and approved by the Water Utility Director OR THE DIRECTOR'S DESIGNEE. The ~~applicant~~ PARTY shall be responsible to pre-pay ~~construction~~ WATER plan review fees AND CONSTRUCTION INSPECTION FEES as directed by the Town Water Utility. CONSTRUCTION OF WATER FACILITIES SHALL NOT START UNTIL A GRADING PERMIT AND/OR RIGHT-OF-WAY PERMIT HAS BEEN ISSUED. The

construction of water facilities, as authorized and approved by the Town WATER UTILITY shall be regularly inspected by the Water Utility ~~Director~~, or ~~an~~ ITS authorized agent, and shall comply with the engineering, construction, material, and installation standards adopted by the Town of Oro Valley.

(00-26, Amended, 08/16/2000; 00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-3 Line Extension AgreementS

A line extension agreement for water facilities constructed in accordance with Articles 15-11 and 15-12, shall be prepared by the Water Utility Director, or THE DIRECTOR'S DESIGNEE~~an authorized agent~~, and shall be executed by the ~~applicant~~ PARTY prior to ~~final acceptance~~ THE START of CONSTRUCTION. ~~the project.~~ THE WATER UTILITY DIRECTOR MAY EXECUTE ANY LINE EXTENSION AGREEMENT ON BEHALF OF THE TOWN SUBJECT TO THE REQUIREMENTS OF SECTIONS 15-12-4 AND 15-13-3.

LINE EXTENSION AGREEMENTS ~~The agreement shall contain no refund provisions with the exception of applicable oversizing refunds. The agreement~~ shall, at a minimum, identify the ~~applicant~~PARTY; the project; the engineer's plan number; fees; oversizing refunds (if applicable); engineering requirements; inspection authority; construction procedures; indemnity, dedication of EASEMENTS AND facilities; description of subject property; cost estimate details for on-site and off-site facilities; cost estimate detail for facility oversizing~~;~~ AND PROTECTED MAIN FACILITIES IF APPLICABLE; ~~meter installation calculations; impact fee calculations;~~ and A certificate of approval to construct the project issued by the Arizona Department of Environmental Quality and/or the Pima County Department of Environmental Quality. The Town Attorney shall review and approve all line extension agreements prior to execution. ~~The Water Utility Director may execute an agreement on behalf of the Town if there is no financial commitment to the Town for protected facilities and/or oversizing refunds. All agreements containing such provisions shall be subject to final approval by the Town Council.~~

(00-05, Amended, 02/02/2000; 96-13, Enacted, 03/25/1996)

15-12-4 ~~Construction~~ LINE EXTENSION Agreements WITH~~;~~ Protected Facilities

The general policy of the Town regarding extension of the water system through private contracts is that all costs associated with construction of water system facilities needed to serve a new customer OR PROPERTY, shall be paid by that ~~customer~~ PARTY DEVELOPING THE PROPERTY. However, in some cases facilities are installed in such a manner as to ~~provide~~ MAKE water service AVAILABLE to a property that did not participate in the original installation of the facility, therefore; the participating party may be eligible for a refund of a portion of the construction costs through the collection of a protected facilities ~~fee~~ CHARGE levied against ANY AND all non-participating ~~applicants~~ PARTY(IES) WHO REQUEST ~~for~~ service from AND WILL CONNECT TO the PROTECTED facility.

A. Definitions.

Agreement (or) Protected Facility Agreement: that portion of the "Agreement for Construction of Water Facilities Under Private Contract" pertaining to the protected facility program.

~~**Fees (or) Protected Facility Charges:** those charges levied on a non-participating applicant for water service from a connection onto a protected facility.~~

Non-Participating Party: ~~applicants for water service from the protected facility that did not participate in the actual facility installation costs.~~ DEVELOPERS, PROPERTY OWNERS, AND/OR OTHER APPLICANTS FOR WATER SERVICE FROM THE PROTECTED FACILITY THAT DID NOT PARTICIPATE IN THE ORIGINAL INSTALLATION AND CONSTRUCTION COSTS OF THE PROTECTED FACILITES.

Participating Party: DEVELOPERS, PROPERTY OWNERS, AND/OR OTHER APPLICANTS ~~any property owner~~ sharing in the construction costs of water facility installation designated as a protected facility. ~~Note: When an applicant requests a protected facility, all properties owned by the applicant that could be served by the new facility will be considered participating parties.~~

Protected Facility: any water facility installed by private contract in such a manner as to provide water service to any property adjacent to the water facility that did not participate in the costs of the facility.

PROTECTED FACILITY CHARGES: THE AMOUNT OF THE FEE REQUIRED TO BE PAID BY A PARTICIPATING PARTY FOR WATER SERVICE FROM A CONNECTION TO A PROTECTED FACILITY.

Refunds: reimbursement of construction costs on protected facilities TO THE PARTICIPATING PARTYfrom the collection of Protected Facility Charges LESS THE PARTICIPATING PARTY'S SHARE OF THE PROTECTED FACILITIES CHARGES.

B. Policy. Any extension of the Town's water distribution system, installed by private contract, that may potentially provide water service to properties which have not participated in the installation costs, will be designated as a "protected facility~~.~~" , WHEN REQUESTED BY THE PARTICIPATING PARTY. Whenever a water facility is installed as a protected facility, it will be the policy of the Town to refund a portion of the construction costs to the party that financed the original water facility installation through the collection of a protected facility fee, levied against all non-participating applicants for service from the facility. ~~The rate of this fee will be set at fifty percent (50%) of the current installation cost for the minimum size facility installation, based on~~

~~the lineal footage of the non-participating property fronting the protected facility. This agreement will remain in effect until either the full sum, less the participating parties' pro-rata share, has been refunded or for a period of ten (10) years from the effective date of the agreement. Any balances remaining unpaid after this time shall be considered cancelled, and the Town shall be fully discharged from any further obligation under the agreement.~~

C. THE WATER UTILITY DIRECTOR MAY EXECUTE LINE EXTENSION AGREEMENTS WITH PROTECTED FACILITIES IF FUNDS ARE EXPECTED TO BE AVAILABLE FROM PAYMENTS FROM NON-PARTICIPATING PARTY(IES). THE TOWN AND/OR ITS WATER UTILITY WILL NOT CONVEY OR TRANSFER ANY REFUNDS TO THE PARTICIPATING PARTY UNDER ANY LINE EXTENSION AGREEMENT THAT INCLUDES PROTECTED FACILITIES UNLESS AND UNTIL THE REQUIRED PAYMENTS ARE COLLECTED AND RECEIVED FROM A NON-PARTICIPATING PARTY.

D. ~~Fee Calculation.~~ THE PROTECTED FACILITIES CHARGES WILL BE SET AT FIFTY PERCENT (50%) OF THE PER FOOT COST, INCLUDING ANY APPURTENANCES SUCH AS VALVES AND HYDRANTS, AT THE TIME OF CONSTRUCTION FOR THE MINIMUM SIZE FACILITY INSTALLATION AND BASED ON THE LINEAL FOOTAGE OF THE NON-PARTICIPATING PROPERTY FRONTING THE PROTECTED FACILITY. ~~An illustration of the fee calculation is as follows: if the average cost for construction of a six (6) inch water line in an undeveloped area is fifteen dollars ($15.00) per lineal foot, the protected facility fee would be seven dollars and fifty cents ($7.50) per lineal foot of frontage to the main.~~ This ~~fee~~ CHARGE will be calculated based on ~~current~~ THE ~~construction~~ costs AT THE TIME OF CONSTRUCTION AS SET FORTH IN THE LINE EXTENSION AGREEMENT. The ~~fee~~ CHARGE for other protected facilities (NOT PIPELINES AND APPURTENANCES) will be determined by the Utility Director OR THE DIRECTOR'S DESIGNEE based on the specific facility and the benefit realized by non-participating parties.

E. THIS AGREEMENT WILL REMAIN IN EFFECT UNTIL EITHER THE FULL SUM, LESS THE PARTICIPATING PARTY'S(IES') SHARE OF THE PROTECTED FACILITIES CHARGES BASED ON THEIR FRONTING FOOTAGE, HAS BEEN REFUNDED OR FOR A PERIOD OF FIFTEEN (15) YEARS FROM THE EFFECTIVE DATE OF THE AGREEMENT. ANY BALANCES REMAINING UNPAID AFTER THIS TIME SHALL BE CONSIDERED CANCELLED, AND THE TOWN SHALL BE FULLY DISCHARGED FROM ANY FURTHER OBLIGATIONS AND PAYMENT OF REFUNDS UNDER THE AGREEMENT.

~~D~~F. Procedures.

1. Designation of water facilities as protected.

a. The Utility Director OR THE DIRECTOR'S DESIGNEE will have the responsibility of determining whether a facility should be ~~classified~~ DESIGNATED as protected based on a review of the WATER plan(s).

b. The Utility ~~Administrator~~ DIRECTOR OR THE DIRECTOR'S DESIGNEE will then initiate the "Agreement for Construction of Water Facilities Under Private Contract" indicating that portion, if any, of the facility installation DESIGNATED AS A PROTECTED FACILITY AND relevant to the protected facility section of the agreement.

c. The Utility Director OR THE DIRECTOR'S DESIGNEE will be responsible for ensuring that all participating properties are noted on the WATER plan(s) and that the plan(s) clearly indicateS all protected facilities.

d. The Utility Director OR THE DIRECTOR'S DESIGNEE will calculate the total refund due based on the length of pipeline specified as protected facilities on the plans and current construction costs.

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2. Refunds from non-participating connections to protected facilities.

a. Upon completion and acceptance of the water facilities installed pursuant to a protected facility agreement, the participating party may be eligible for refund of that portion of the cost that is not directly attributable to providing water service solely to participating properties.

b. When application is received by the Town for a water service or water main connection to a protected facility by a non-participating property benefiting from the facility, the Town will collect the ~~appropriate fees~~ THE PROTECTED FACILITIES CHARGES. These CHARGES ~~sums, or portions thereof,~~ shall be refunded to the participating party ~~a pro-rata share of the refundable portion of the cost of the facility~~ based upon PER FOOT COSTS AT THE TIME OF CONSTRUCTION, FRONTING FOOTAGE AND the "as-built" plans of the protected facility installed.

c. In no event will the aggregate amount refunded exceed the full, authorized refundable portion of the cost of the water facility installed~~. In the event the full authorized amount has not been refunded within ten (10) years from the date of the agreement, any balances remaining unpaid shall be considered cancelled, and the Town shall be fully discharged from any further obligations under the agreement.~~

d. The WATER UTILITY ~~Town~~ will maintain an accounting record of each protected facility agreement. Within this record, all protected facility payments and refunds will be monitored and logged. Protected facilities fees will continue to be collected until either the total refund amount

has been collected or for a period of ~~ten (10)~~ FIFTEEN (15) years from the effective date of the agreement.

e. Waiver of protected facility ~~fees~~CHARGES can only be granted by the party that originally financed the installation of the protected facility. The WATER UTILITY ~~Town~~ will require a notarized letter granting the waiver prior to waiving the fee FROM THE PARTICIPATING PARTY(IES).

3. Collection of protected facility ~~fees~~ CHARGES from non-participating properties.

a. As early in the platting and/or plan review process as is practical, the Water Utility Director OR THE DIRECTOR'S DESIGNEE will inform THE non-participating ~~applicants~~ PARTY APPLYING FOR ~~-~~for WATER service that a protected facility ~~fee~~CHARGE is required, whenever their property has frontage on a protected facility and their WATER plan(s) callS for service and/or water main connections to that PROTECTED facility.

b. At the time of WATER plan ~~approval~~REVIEW FOR A NON-PARTICIPATING PARTY, an estimate of the applicable protected facility ~~fee~~ CHARGES will be calculated based on the ~~current~~ front footage ~~fee~~. Payment of this ~~fee~~ CHARGE will be required prior to installation of meters.

G. ALL PROPERTY OWNED BY THE PARTICIPATING PARTY(IES) THAT COULD BE SERVED BY THE PROTECTED FACILITIES WILL BE CONSIDERED PARTICIPATING PARTIES

H. IF AN APPLICANT FOR WATER SERVICE CONNECTS TO THE END OF A PROTECTED FACILITY AND THERE IS NO FRONTING FOOTAGE FOR THE APPLICANT'S PROPERTY FOR THE PROTECTED FACILITY, NO PROTECTED FACILITY CHARGES WILL BE ASSESSED TO OR COLLECTED FROM THE APPLICANT.

15-12-5 CONSTRUCTION OF PROTECTED FACILITIES BY THE WATER UTILITY

THE WATER UTILITY IS AUTHORIZED AND MAY CHOOSE TO PROTECT FACILITES IT CONSTRUCTS THAT ARE NOT PAID FOR BY WATER DEVELOPMENT IMPACT FEES.

((O)07-41, Amended, 11/07/2007; 98-28, Added, 07/15/1998)

Article 15-13
WATER SYSTEM CAPACITY REQUIREMENTS, OVERSIZING, REFUNDS FOR OVERSIZED CAPACITY

Sections:

15-13-1 Water System Capacity Requirements
15-13-2 Oversizing Refunds

15-13-1 Water System Capacity Requirements

The ~~Director of the Town~~ Water Utility DIRECTOR OR THE DIRECTOR'S DESIGNEE may require ~~an applicant development (participating property)~~THE PARTICIPATING PARTY to install "on-site" or "off-site" water facilities of a size greater than is required to provide service to ~~applicant's~~ THE development OR PROPERTY.

(96-13, Enacted, 03/25/1996)

15-13-2 Oversizing Refunds

A. The ~~Town~~ Utility may require the oversizing of transmission lines that extend the water lines to the subject property. The ~~Town~~ UTILITY will refund the oversizing of a transmission line by reimbursing the ~~contractor/developer~~ PARTICIPATING PARTY for the ~~material~~CONSTRUCTION cost difference between what was required to deliver water to the subject property and what was requested to enhance the water system for future growth. Should a distribution main be requested to be oversized BY THE UTILITY, the ~~Town~~ UTILITY would use the same manner of refund as with an oversized transmission line.

B. THE WATER UTILITY DIRECTOR MAY EXECUTE A LINE EXTENSION AGREEMENT WITH OVERSIZING OF FACILITIES ON BEHALF OF THE TOWN FOR OVERSIZING REFUNDS.

(96-13, Enacted, 03/25/1996)

Town Council Regular Session **Item # 3.**

Meeting Date: 09/19/2012

Requested by: Councilmember Hornat & Vice Mayor Waters

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

MOTION FOR RECONSIDERATION OF THE SEPTEMBER 5, 2012 APPROVAL OF ORDINANCE NO. (O)12-11, AMENDING THE ORO VALLEY ZONING CODE REVISED, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.9, DESIGN REVIEW, SECTION 22.10, GRADING PERMIT PROCEDURES AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.7, OFF STREET PARKING

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Hornat has requested that the amendment to the Oro Valley Zoning Code Revised, Chapter 22, review and approval procedures, Section 22.9, design review, Section 22.10, Grading Permit Procedures and Chapter 27, General Development Standards, Section 27.7, Off Street Parking, be returned to the Council agenda for reconsideration and Vice Mayor Waters has seconded his request.

Pursuant to Rule 11.1(B) of the Town Council's Parliamentary Rules & Procedures, the reconsideration of any action taken by Council must be by motion of a Councilmember who was on the prevailing side of the vote. Such motion must be filed with the Town Clerk's office and the Clerk shall place the item on the next agenda.

If the motion is successful, because it is a change to the Town's Zoning code, notice and a public hearing will be required. Section 22.3 (J) of the Zoning Code requires that the public be given fifteen (15) days notice of the public hearing. Therefore, reconsideration of the amendment will need to be continued to a specific date in the future that is more than fifteen days after approval of the motion for reconsideration.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE for reconsideration of the September 5, 2012 approval of Ordinance No. (O)12-11 amending the Oro Valley Zoning Code Revised, Chapter 22, review and approval procedures, Section 22.9, design review, Section 22.10, Grading Permit Procedures and Chapter 27, General Development Standards, Section 27.7, Off Street Parking.