

RESOLUTION NO. R2026-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING THE TERMINATION OF THE LETTER OF APPOINTMENT WITH THE ARIZONA OFFICE OF THE STATE FIRE MARSHAL

WHEREAS, the State of Arizona maintains the authority to conduct fire inspections on State and County owned buildings under the Office of the State Fire Marshal, which is a division of the Arizona Department of Forestry and Fire Management ("OSFM"); and,

WHEREAS, the OSFM granted authority via formal letter on May 11, 1998, to the City of Yuma Fire Department to undertake fire code enforcement within the Yuma Fire Department service area; and,

WHEREAS, the OSFM and the City of Yuma entered into a Memorandum of Understanding ("MOU") on April 2, 2008, through which the OSFM granted and the City of Yuma Fire Department assumed the OSFM's authority and jurisdiction over fire code enforcement and all fire and life safety inspections, as well as plan review for new buildings within the Yuma Fire Department service area; and,

WHEREAS, in December 2018, the Office of the State Fire Marshal terminated all existing Memoranda of Understanding and Letters of Appointment throughout the State of Arizona in order to standardize its appointment program through the implementation of a revised Letter of Appointment process; and,

WHEREAS, the City Council adopted Resolution No. R2019-007 authorizing the City of Yuma Fire Department to enter a Letter of Appointment with the Office of the State Fire Marshal to continue performing delegated fire prevention activities on behalf of the State Fire Marshal; and,

WHEREAS, the Letter of Appointment was subsequently updated in 2023 to reflect revised appointees and remains in effect until terminated by written notification by either party; and,

WHEREAS, the City of Yuma Fire Department also maintains a separate Intergovernmental Agreement with the Office of the State Fire Marshal for the inspection and enforcement of fire and life safety standards within public school buildings, and termination of the current Letter of Appointment is not intended to affect, modify, or terminate that separate agreement or the authority granted thereunder; and,

WHEREAS, the Arizona Legislature subsequently enacted House Bill 2324, amending Arizona law to authorize the Office of the State Fire Marshal, upon joint petition by a city or town and the county in which it is located, to enter into an Intergovernmental Agreement authorizing the city or town to conduct fire code enforcement activities within county-owned buildings using the locally adopted fire code; and,

WHEREAS, should Yuma County request such an arrangement in the future, the City of Yuma and the City of Yuma Fire Department are willing to consider entering into an Intergovernmental Agreement with the Office of the State Fire Marshal and Yuma County, as authorized by Arizona law, to conduct fire inspections and related fire prevention activities within county-owned buildings using the City of Yuma's locally adopted fire code with amendments; and,

WHEREAS, the City of Yuma Fire Department has determined that the existing Letter of Appointment is no longer the preferred mechanism for exercising delegated fire code enforcement authority and wishes to terminate the current Letter of Appointment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The City Council authorizes termination of the current Letter of Appointment between the City of Yuma Fire Department and the Arizona Office of the State Fire Marshal. The Fire Chief, or his designee, is authorized to provide written notice of termination to the Office of the State Fire Marshal in accordance with the terms of the Letter of Appointment.

SECTION 2: Upon the effective date of the termination, the City of Yuma Fire Department shall cease performing those fire prevention, inspection, plan review, and related functions delegated under the current Letter of Appointment. Nothing in this Resolution shall prohibit the City of Yuma from entering into a future Intergovernmental Agreement with the Arizona Office of the State Fire Marshal and Yuma County, as authorized by Arizona law, should all parties mutually agree to do so.

Adopted this _____ day of _____ 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Janet L. Pierson
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney