

**TOWN OF FLORENCE  
REGULAR MEETING  
AGENDA**

**PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, AUGUST 19, 2013, AT 5:30 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**1. CALL TO ORDER**

- 2. ROLL CALL: Mayor Rankin\_\_\_; Vice-Mayor Smith\_\_\_;  
Councilmembers: Tom Celaya\_\_\_; Bill Hawkins\_\_\_;  
Ruben Montaña\_\_\_; Tara Walter\_\_\_; Vallarie Woolridge\_\_\_;**

**3. ADJOURN TO EXECUTIVE SESSION**

**For discussion of the public body with the Town Attorney regarding pending and contemplated litigation pursuant to A.R.S. § 38-431.03(A)(4), and for consultation with the Town Attorney regarding the acquisition of real property pursuant to A.R.S. § 38-431.03(A)(7).**

**4. ADJOURN FROM EXECUTIVE SESSION**

**5. INVOCATION**

**6. PLEDGE OF ALLEGIANCE**

**7. CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

**8. PUBLIC HEARINGS AND PRESENTATIONS**

- a. Public Hearing on an application for Zone Change requested by the Town of Florence on behalf of Territory Square property owners to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I), and Planned Unit Development located along the south side of the Gila River between the Plant Road alignment and Highway 79. First Reading of Ordinance No. 602-13: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE TERRITORY SQUARE ZONE CHANGE (PZC-01-13-ZC).**
- b. Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.**

c. Presentation of a Years of Service Award to Dorothy Cardenas for 15 years of dedicated service to the Town of Florence.

9. CONSENT: All items indicated by an (\*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

a. **\*Adoption of Resolution No. 1410-13:** A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE FINAL PLAT OF SILVER KING MARKETPLACE (PZC-31-13-FP).

b. **\*Adoption of Resolution No. 1412-13:** A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING THE CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY EXPANSION.

c. **\*Authorization to enter into** an Intergovernmental Agreement with the Pinal County Sheriff's Office to accept a Pinal County Belgian Malinois K9, Russ #2085, Pinal County Animal Control #61196 (K9), currently a member of Pinal County Sheriff's Office, to assist the Florence Police Department in performing their law enforcement functions.

d. **\*Approval of the resignation** of Barbara J. Kelly from the Redevelopment Commission.

e. **\*Approval of the June 27, 2013 and July 1, 2013** Town Council minutes.

f. **\*Receive and file the following board and commission minutes:**

i. Receive and file the **February 27, 2013** Historic District Advisory Commission minutes.

ii. Receive and file the **April 25, 2013** Parks and Recreation Advisory Board minutes.

iii. Receive and file the **March 7, 2013** and **April 4, 2013** Planning and Zoning Commission minutes.

#### 10. UNFINISHED BUSINESS

a. **Ordinance No. 599-13:** Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AN AMENDMENT TO THE MERRILL RANCH PLANNED UNIT DEVELOPMENT (PZC-35-12-PUD) (First Reading August 5, 2013).

#### 11. NEW BUSINESS

a. **Discussion/Approval/Disapproval** of Resolution No. 1411-13: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE EDUCATION REVENUE BONDS (TELESIS PREPARATORY ACADEMY PROJECT), SERIES 2013, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION,

**IMPROVEMENT AND EQUIPPING OF EDUCATIONAL FACILITIES FOR  
TELESIS CENTER FOR LEARNING, INC.**

- b. **Discussion/Approval/Disapproval** of the submission of a grant application by the Town of Florence for Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant program funds.

**12. MANAGER'S REPORT**

**13. CALL TO THE PUBLIC**


**14. CALL TO THE COUNCIL**

**15. ADJOURNMENT**

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

POSTED THE 16<sup>th</sup> DAY AUGUST 2013, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, 1000 SOUTH WILLOW STREET, FLORENCE, ARIZONA AND AT [WWW.FLORENCEAZ.GOV](http://WWW.FLORENCEAZ.GOV).

**\*\*\*PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.\*\*\***

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<u><b>AGENDA ITEM</b></u> <b>8a.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Community Development  <b>STAFF PRESENTER:</b> Mark Eckhoff, AICP Community Development Director  <b>SUBJECT:</b> Ordinance No. 602-13: Territory Square Zone Change (PZC-1-13-ZC)		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> Other

**RECOMMENDED MOTION/ACTION:**

Public Hearing and First Reading only on August 19, 2013.

On September 3, 2013, motion to adopt Ordinance No. 602-13 for the Territory Square Zone Change.

**BACKGROUND/DISCUSSION:**

The Town of Florence, on behalf of the Territory Square property owners, requests approval of the following application:

A Zone Change request to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS). The Territory Square project area is generally located along the south side of the Gila River between the Plant Road alignment and Highway 79.

Staff will expand upon the parameters of this Zone Change discussion to provide more context and historical perspective for this request. Staff contends that one will see that this project serves as a model of how a bold vision can be incrementally implemented and become reality with appropriate dedication, commitment, community support and funding.

**North End Framework Vision Plan**

Work on the North End Framework Vision Plan (“Vision Plan”), a multi-faceted project that crafted a variety of economic development, planning and engineering enhancement strategies for an area along the Gila River in the core area of the Town of Florence, began in May 2010. The Vision Plan obtained the unanimous

endorsement of the Town's Planning and Zoning Commission and the Mayor and Council of the Town of Florence. The Vision Plan has also been well-received by the community and won the 2011 Best Project of the Year Award from the Arizona Chapter of the American Planning Association. The study area subsequently was renamed Territory Square, a name with historical relevance that was supported by all of the property owners within the study area.

Prior to this initiative, community leaders had been evaluating the development feasibility for this property for a number of years. In 2006, the Town conducted a Facility Needs Study for the portion of the site often referred to as the Giles property, land that was acquired by the Town many years earlier (acquisition of purchased and donated parcels began in 2001). After acquiring the Giles property, the Town considered various potential uses for the site, but several factors prevented the property from being developed (almost the entire area is within the floodplain), though it has been consistently leased and used for farming purposes. The Town Facility Needs Study showed how the Giles property could potentially be developed with a new governmental complex and that idea led to discussions with Pinal County and other governmental agencies about the possibility of joint development opportunities. Seeing the long-term strategic importance of the subject area, efforts were made to broaden expectations and partnerships and an RFP process was commenced that ultimately resulted in the selection of the consultant team, a detailed scope of services, an extensive public participation plan and ultimately the development of the Vision Plan.

The Town of Florence is the primary stakeholder in this project. Two of the larger private portions of the subject area are: the Heritage Square planned development on property owned by the Londen Companies; and the Florence Farms development, which has been led by Harold and Katie Christ. While development has yet to commence on the Heritage Square property, the Florence Farms (a.k.a., Windmill Winery) property has seen much activity in recent years and has developed from a historic working farm to a successful plant nursery, winery and unique special event destination. Locally based families have enjoyed farming on their smaller properties within the study area, but also realize the long-term economic development potential of their properties and therefore appreciated the value of participating in the Vision Plan effort.

While the Vision Plan considered some phenomenally complex issues, Swaback Partners, the lead consultant that worked with the Town of Florence on this project, was able to create a document that is reader-friendly, easy to understand and motivational. Sub-consultants on the project included Wood, Patel & Associates, Inc. for engineering expertise and Eric Rasmussen and Pooled Resources for economic development, financing strategy and demographic expertise. From project commencement, it was critical that this project produced a vision and goals that were not only excelling in planning and design

expectations, but was economically viable, practical and implementable from an engineering and development perspective.

The very nature of the project required nothing but the most original and innovative efforts and the final Vision Plan reflects such. The Vision Plan had to merge a variety of technical considerations to develop a workable vision and realistic implementation strategies. The Vision Plan also considers the very diverse interests of the stakeholders directly and indirectly involved with this project, with special consideration to the ultimate development of the long-term private-public partnerships critical to the success of the Vision Plan.

One critical benefit of the Vision Plan effort was that it allowed the Town and stakeholders an opportunity to finally place all of the puzzle pieces of past and on-going studies together so that flood plain mitigation, transportation, urban design, economic development, infrastructure, the future governmental complex, financing and a variety of other issues could finally be organized in a dynamic and comprehensive fashion.

To elaborate on one of the aforementioned study areas, economic development can prove quite challenging with inadequate transportation facilities and thus the timing of the Vision Plan was well-coordinated with critical transportation issues that have been and continue to be under consideration in Florence. The potential location of the North-South ADOT Corridor (planned to link Interstate 10 with US 60) was closely evaluated during the study process and ultimately the Town, working with a large contingent of stakeholders, was able to endorse a future corridor alignment that would benefit the subject study area and the long-term sustainability of the core of Florence. The Vision Plan also developed a recommendation for a future Main Street Gila River bridge crossing to better connect the core of Florence with new growth areas north of the Gila River. Additionally, the study process looked at ways of enhancing local access throughout the downtown area.

To promote additional outreach for the community on this project, the Town conducted a four-part series of Community Forums wherein the opportunity was readily available for citizenry input. Forums were held at Florence Town Hall, the Windmill Winery and the Anthem Parkside Community Center. All forums were educational, informative, interactive and well attended. Throughout the project, the team also maintained a Facebook page and a specific webpage for the project. Press releases and several newspaper articles provided more information about the status of this project to the community.

The fundamental first step of this project was to formulate a scope of work that would be most conducive to the anticipated outcome. Unlike many planning exercises that are one-dimensional, this effort included significant expertise from a broad range of practitioners. It was important to organize the process, scope and deliverables in an incremental manner that would be informative for each

task along the way. It was critical from the project's commencement to develop a team of stakeholders and technical experts to help Town staff and the consultant team to keep the project on track. The project had active stakeholder and technical committee meetings that helped to supplement regular project management meetings, community forums and other avenues of discussion on this project.

The Vision Plan articulates a creative alternative to a previously considered levee/dike scenario that calls for the careful relocation of earth material from locations closest to the riverbed to immediately adjacent land areas directly south. This process of "cut and fill" allows a significant area to have a raised elevation that would be above the floodplain. Therefore creating new "buildable" lands within the study area. A major riverfront park is planned for those areas that will remain in the floodplain. A land use budget for land area was created to allocate various types of uses that could be critically linked with new transportation and open space systems. Understanding future land uses and densities helped to model the types of infrastructure needed to support the envisioned development. That in turn, helped the project team to better understand the costs associated with development, what types of improvements might be financed and how the future development might be phased.

Concurrent with this process were discussions on the character of open space and development envisioned for the study area. Clearly, the Town needed to provide for the critical physical and symbolic linkage between historic Florence and the new growth areas of Florence. Furthermore, public feedback supported the notion that the study area needed to have its own identity that merged the multiple identities of Florence, but did not attempt to replicate historic or suburban Florence development character traits.

All of the aforementioned information was then compiled in the Vision Plan, along with several notebooks of accompanying technical reports. Perhaps the most critical portion of the Vision Plan is the implementation section that provides guidance to the Town as to the types of steps that could be taken to incentivize development.

Since the adoption of the Vision Plan, the Town has diligently worked to move this vision forward, while keeping all the project stakeholders well-informed on subsequent steps. The Town initiated a 2012 Major General Plan Amendment that redefined the MPC (Master Planned Community) land use designation to better fit this project and applied this new designation to the subject study area. The Town also continued their partnership with Swaback Partners in the development of a new, highly innovative and flexible hybrid zoning district that will work in concert with the MPC designation to support the implementation of the Vision Plan development strategies. The application (Zone Change) of this new Territory Square (TS) Zoning District is the focus of this application.

The Town is also working to extend a significant sewer main line in this area that will facilitate future development. The Town is also working with the Vision Plan engineering firm to complete a FEMA CLOMR (Conditional Letter of Map Revision) for the entire Vision Plan site and the FEMA LOMR (Letter of Map Revision) on the Town's first 40 acre development site within the study area. Furthermore, ongoing discussions with stakeholders are occurring to evaluate future development financing strategies and implementation of other economic development tools that the Town may use to facilitate the development of this site, including the use of the Infill Incentive District mechanism that was adopted as a possible tool for this site during the Vision Plan process.

Stakeholders, planners, investors, brokers, developers and builders are increasingly seeing the potential of this site because of the location, innovation, comprehensiveness, character, partnerships and availability of development incentives. The Vision Plan is paving the way for the ongoing prosperity of Florence and particularly the long-term sustainability and vitality of the heart and core of Florence.

## **CLOMR/LOMR**

As mentioned above, in 2012, Wood, Patel & Associates, Inc. was awarded the engineering contract to accomplish two primary floodplain mitigation objectives for the study area. First of all, to complete a FEMA CLOMR for the entire Territory Square site to obtain the support of FEMA and other regulatory agencies for the future site work and development that will occur on the site.

Secondly, to take the additional effort to remove a portion of Town property from the floodplain by completing the work identified and approved through the CLOMR process and obtaining a LOMR from FEMA for the subject portion of the Territory Square site. The result of this effort is to obtain approximately 40 acres of buildable land to the west of Florence Town Hall and north of Heritage Park that can be used to construct new Town facilities, such as a library, community center and perhaps even an aquatics center.

The aforementioned facilities are programmed in the CIP and, of course, it is well known that more modern, larger and efficient community facilities are needed to meet current and projected population demands. Such facilities would be among the first to become a part of a larger Town complex that could also eventually include a new Town Hall and additional administrative offices. There is also the possibility of having some additional land within this first phase to develop for non-governmental complementary uses. This is consistent with the NEFVP and the Territory Square Zoning District.

Staff notes that the Town has programmed funds to bring fill to the subject 40 acre Town parcel so that an elevated pad can be created and certified in order to complete the LOMR. There will be additional costs to fully develop Town properties within the subject area. Staff further notes that the costs related to



bringing properties not owned by the Town to the LOMR stage will be covered by those private property owners. As land values within the Territory Square area increase and the economy rebounds, a financing mechanism, such as a CFD, might be used to assist with infrastructure development within the Territory Square site.

## **Territory Square Zoning District**

The Territory Square Zoning District was developed as the primary zoning tool to implement the North End Framework Vision Plan. The Territory Square Zoning District provides a clear and concise methodology as to future development expectations and requirements. The zoning and associated components help ensure that the intended vision meets the high expectations of the Town, property owners, and community members for the subject study area. Territory Square is an innovative mixed-use hybrid zoning district because it combined features of traditional zoning with Form Based Code and SmartCode components. This approach is much different from the typical, more black and white, regulatory approach to zoning, which generally works well in most cases, but not with a highly innovative project such as Territory Square.

The Territory Square Zoning District document was organized as follows:

- The Transect and Regulatory Plan - General visual description of the anticipated built environment for this area as described from most urban to most rural.
- Land Use Groups (LUG's) Summary – Narrative descriptions of the zones associated with each section of the Transect. These sections represent Land Use Groups and associated characteristics of the built environment.
- Land Use Budget – Chart identifying the maximum number of housing units as well as non-residential maximum building square footage allowed within each Land Use Group.
- Function and Use – Identifies the spectrum of uses allowed in each Land Use Group.
- Land Use Group Summary – Narrative and pictorial description of the associated physical form within each LUG and typical lot characteristic development criteria.
- Frontage Types – Articulation of private and public frontage conditions for the range of LUG's.
- Build to Line – Description of areas within the Zoning District that will require build to line development.
- Open Space – Narrative and visual description of the range of civic open space opportunities within the LUG's.
- Design Guidelines – Design Guidelines within the Zoning District that articulates the anticipated quality and character of design.
- Use Glossary – Definition of terms.

The Territory Zoning District obtained the unanimous endorsement of the Town's Planning and Zoning Commission and the Mayor and Council of the Town of Florence in 2012. The adoption of the new zoning category did not apply it to any properties as such had to be accomplished under a separate application and after the MPC General Plan designation was applied to the subject area (zoning requires consistency with the General Plan in Arizona).

Staff has worked diligently to obtain the owner's authorization and "207" forms from property owners within the Territory Square area, thus fully indicating their willingness to have the zoning on their properties changed to TS. Consistent with endorsement of the NEFVP, the Town supports the application of the TS zoning on all of the properties within the study area. Unfortunately, one property owner with a small parcel within the study area has chosen to not apply the TS zoning to her property at this time, but staff expects cooperation with this upon further discussion. This does not negatively impact the implementation plans for this project.

### **Next Steps**

Staff contends that the Town should remain steadfast in implementing the Vision Plan, as it has done thus far with the actions described in this report and with this application. The Town has a very unique opportunity with this project to act essentially as the Master Developer on a project of overwhelming significance to Florence. As discussed during the NEFVP process, this site helps bridge (literally and otherwise) development on both sides of the Gila River and provides the greatest opportunity for new, large scale, cohesive (marketable), residential and commercial growth in the core of Town, which will help to keep the Town's core vibrant and sustainable.

Beyond the steps identified within, here are some of the additional steps that can be anticipated in the future as the market recovers, land values improve and financing options are increased:

1. Enter into Development Agreements with property owners as a means of effectively agreeing upon terms for incentives, financing strategies, infrastructure planning and possible land trades.
2. Continue to market the project as a whole (in our new Economic Development brochure and on our new Economic Development webpage) and help private property owners market their sites for new residential and commercial development.
3. Look for opportunities for private—public partnerships on Town's 40 acre site. Ideas could include partnerships on the recreational components planned for the 40 areas. For example, the City of Maricopa and YMCA just entered into an agreement to run the City's multi-generational and aquatics facility.

4. Look for ways to fund and program key transportation improvements within the project area, such as the east-west roadway that will traverse the site from Plant Road to Highway 79.
5. Continue to be extremely diligent in efforts related to the ADOT North-South Corridor and Passenger Rail studies to facilitate the proper alignment of these facilities in proximity to this site and downtown Florence.
6. Work with CCA on the new sewer line planned across this site. Look for ways to facilitate other water and sewer improvements that will benefit this site.
7. As the market demands, work to take additional Town properties to the LOMR stage.
8. Develop a plan, phasing strategy and funding sources to begin linear park improvements along the south side of the Gila River between Plant Road and Highway 79. Include these plans in an updated Parks, Trails and Open Space Master Plan due to be updated soon because of new annexations and changes related to Development Impact Fee statutes related to park improvements.

### **PUBLIC PARTICIPATION:**

A notice for the Planning and Zoning Commission public hearing was mailed to all property owners within three hundred (300) feet of the site. Property posting for notice of public hearings was posted on site and advertisements in the local Town paper for the per Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04 and Town of Florence Development Code, a public hearing is required for a Zone Change.

Staff notes that a few property owners along 1st Street adjacent to the Territory Square project area have inquired about this Zone Change. One of these property owners had questions about the transition of adjacent land uses and the impact of this Zone Change on property values and shared these comments at the Planning and Zoning meeting on July 18, 2013. Staff contends that this Zone Change should increase property values for the subject site and ultimately surrounding properties as development progresses. Furthermore, The Territory Square Zoning District has development provisions related to setbacks, buffers, scale, site design, architecture and transitioning of land uses that exceed those found in conventional zoning districts.

### **FINANCIAL IMPACT:**

Staff contends this Zone Change, combined with other North End Framework Plan implementation steps, will have a positive financial impact on the Town.

**RECOMMENDATION:**

The Planning and Zoning Commission found that the proposed Territory Square Zone Change request to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS) is in compliance with the Town's General Plan and is in the interest of general welfare, health and safety of the public. The Planning and Zoning Commission has forwarded a favorable recommendation on the Territory Square Zone Change to the Mayor and Town Council, subject to the following conditions:

1. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. 12-1134] pursuant to the waivers attached hereto as Exhibit B.
2. Any additional conditions deemed necessary by the Town Council.

Public Hearing and First Reading only on August 19, 2013.

On September 3, 2013, motion to adopt Ordinance No. 602-13 for the Territory Square Zone Change.

**ATTACHMENTS:**

Ordinance No. 602-13  
Exhibit A Legal Description  
Exhibit B 207 Waivers  
Application  
Affidavit of Publication

**ORDINANCE NO. 602-13**

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE TERRITORY SQUARE ZONE CHANGE (PZC-01-13-ZC).**

**WHEREAS**, a request to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS) Zoning District has been proposed and a public hearing has been held by the Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission has found the Territory Square Zone Change is in conformance with the Town's North End Framework Vision Plan and the Town's General Plan; and

**WHEREAS**, the Planning and Zoning Commission has forwarded the Mayor and Council of the Town of Florence a favorable recommendation for the Territory Square Zone Change, subject to certain conditions; and

**WHEREAS**, said proposal has been considered by the Mayor and Council of the Town of Florence and the Territory Square Zone Change has been found to be appropriate and further found to promote the health, safety and welfare of the residents of the Town and its orderly growth.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

The Zoning Map of Florence, Arizona, is hereby amended by changing the zoning classification of the parcels of land depicted on EXHIBIT A attached hereto, from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public/Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS), subject to the following condition:

1. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. § 12-1134] pursuant to the waivers attached hereto as Exhibit B.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence this \_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
James E. Mannato, Town Attorney

# Exhibit A: Territory Square Zoning District



**Town of  
Florence**

Territory Square Properties



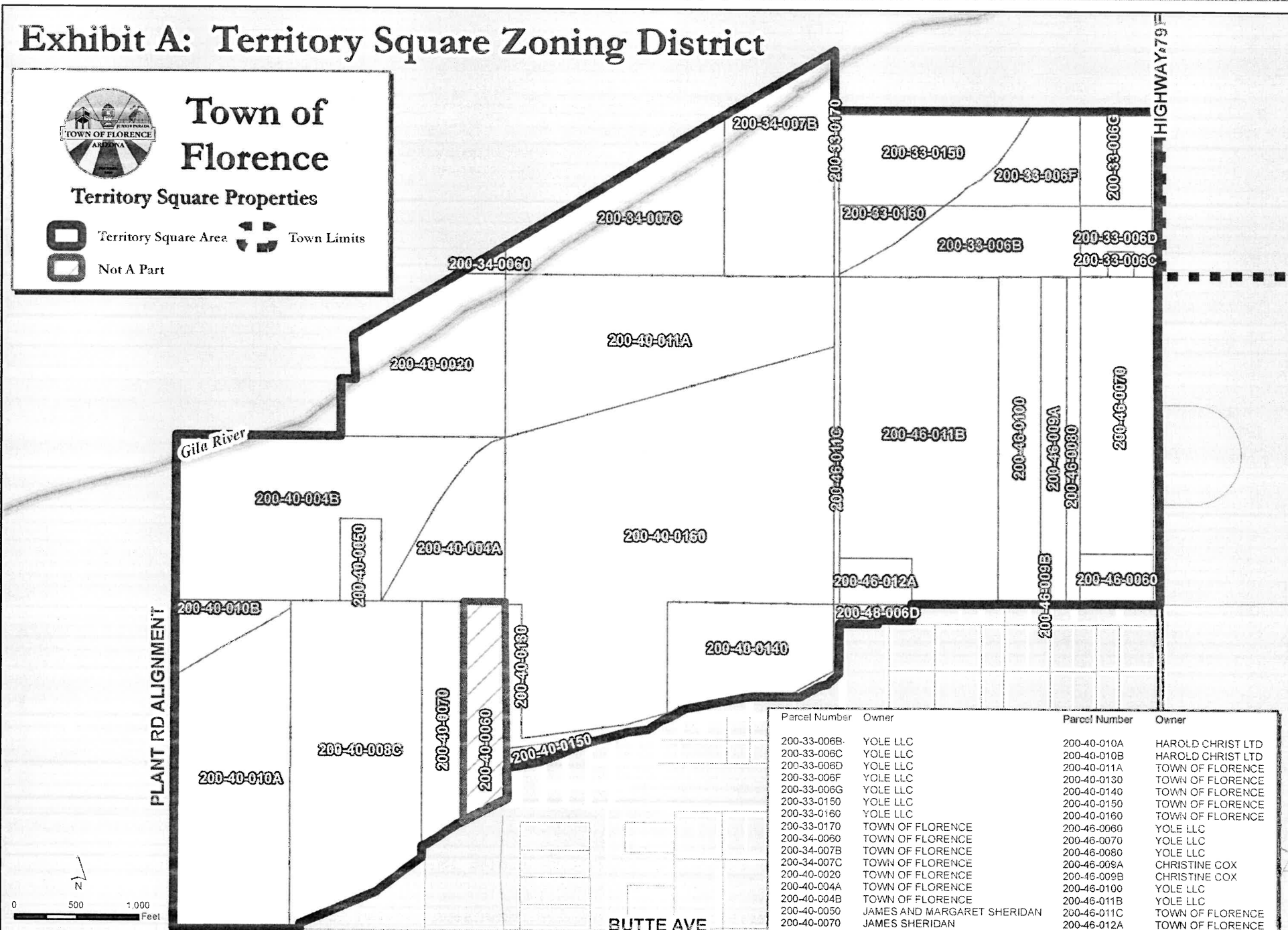
Territory Square Area



Town Limits

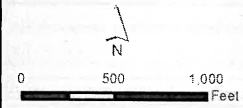


Not A Part



Parcel Number	Owner	Parcel Number	Owner
200-33-006B	YOLE LLC	200-40-010A	HAROLD CHRIST LTD
200-33-006C	YOLE LLC	200-40-010B	HAROLD CHRIST LTD
200-33-006D	YOLE LLC	200-40-011A	TOWN OF FLORENCE
200-33-006F	YOLE LLC	200-40-0120	TOWN OF FLORENCE
200-33-006G	YOLE LLC	200-40-0140	TOWN OF FLORENCE
200-33-0150	YOLE LLC	200-40-0150	TOWN OF FLORENCE
200-33-0160	YOLE LLC	200-40-0160	TOWN OF FLORENCE
200-33-0170	TOWN OF FLORENCE	200-46-0060	YOLE LLC
200-34-0060	TOWN OF FLORENCE	200-46-0070	YOLE LLC
200-34-007B	TOWN OF FLORENCE	200-46-0080	YOLE LLC
200-34-007C	TOWN OF FLORENCE	200-46-009A	CHRISTINE COX
200-40-0020	TOWN OF FLORENCE	200-46-009B	CHRISTINE COX
200-40-004A	TOWN OF FLORENCE	200-46-0100	YOLE LLC
200-40-004B	TOWN OF FLORENCE	200-46-011B	YOLE LLC
200-40-0050	JAMES AND MARGARET SHERIDAN	200-46-011C	TOWN OF FLORENCE
200-40-0070	JAMES SHERIDAN	200-46-012A	TOWN OF FLORENCE
200-40-008C	RANKIN FAMILY LLLP	200-48-006D	TOWN OF FLORENCE
200-40-0060	MARIE ROBERTSON		

\*To be re-zoned in a separate future application



This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

EXHIBIT B  
CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land that is included within the North End Framework Vision Plan study area, which is now known as Territory Square. The Town is initiating a request to change the zoning of the properties within the aforementioned described area to Territory Square (TS) per Zoning Application PZC-01-13-ZC. Properties subject to rezoning are further described in Exhibit A. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zoning Application PZC-01-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zoning Application PZC-01-13-ZC. Except as expressly set forth in the Zoning Application PZC-01-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-40-0050 and 0070  
Parcel(s)  
PO BOX 2972 Florence, AZ 85132  
Physical or Mailing Address

Dated this 7 day of Feb, 2013

By: James J. Sheridan  
Owner (if more than one, please copy this form)

James J. Sheridan  
Signature

Its: Owner  
Title (owner, President, member, etc.)

STATE OF ARIZONA )  
County of Pinal ) ss

On this 7 day of February, 2013, before me, the undersigned Notary Public, personally appeared James J. Sheridan, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that James J. Sheridan executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:  
November 26, 2015

Maria Hernandez  
Notary Public

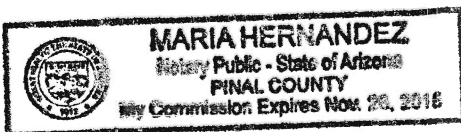


EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land that is included within the North End Framework Vision Plan study area, which is now known as Territory Square. The Town is initiating a request to change the zoning of the properties within the aforementioned described area to Territory Square (TS) per Zoning Application PZC-01-13-ZC. Properties subject to rezoning are further described in Exhibit A. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zoning Application PZC-01-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zoning Application PZC-01-13-ZC. Except as expressly set forth in the Zoning Application PZC-01-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-46-009A<sup>8</sup> and 200-46-889B  
Parcel(s)

514 E. FIRST STREET  
Physical or Mailing Address

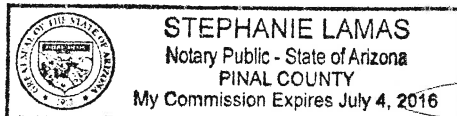
Dated this 8<sup>th</sup> day of JAN., 2013

By: Christine Cox CHRISTINE COX  
Owner (if more than one, please copy this form)

Christine Cox  
Signature

Its: owner  
Title (owner, President, member, etc.)

(Notary)



Stephanie Lamas  
207 Waiver  
PZC-01-13-ZC



EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land that is included within the North End Framework Vision Plan study area, which is now known as Territory Square. The Town is initiating a request to change the zoning of the properties within the aforementioned described area to Territory Square (TS) per Zoning Application PZC-01-13-ZC. Properties subject to rezoning are further described in Exhibit A. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zoning Application PZC-01-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zoning Application PZC-01-13-ZC. Except as expressly set forth in the Zoning Application PZC-01-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-40-011B2 200-33-006D3 200-33-01500  
200-40-00603 200-40-00901 200-33-006B7 200-33-004F8 200-33-01409  
200-40-00702 200-40-01007 200-33-004C5 200-33-006G6

Parcel(s)

Physical or Mailing Address

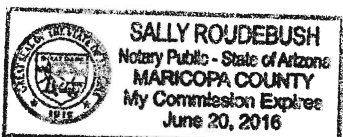
Dated this 7th day of January, 2013

By: YOLE, LLC By: LONDON LAND COMPANY, LLC, MEMBER  
Owner (if more than one, please copy this form)

Sally Schuneman  
Signature SALLY SCHUNEMAN

Its: MANAGER  
Title (owner, President, member, etc.)

(Notary)



Sally Roubesh

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land that is included within the North End Framework Vision Plan study area, which is now known as Territory Square. The Town is initiating a request to change the zoning of the properties within the aforementioned described area to Territory Square (TS) per Zoning Application PZC-01-13-ZC. Properties subject to rezoning are further described in Exhibit A. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zoning Application PZC-01-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zoning Application PZC-01-13-ZC. Except as expressly set forth in the Zoning Application PZC-01-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-40-010A 200-40-00B  
Parcel(s)  
Box 2076 Florence AZ 85132  
Physical or Mailing Address

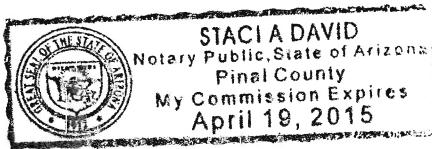
Dated this 3rd day of Jan, 2013

By: [Signature]  
Owner (if more than one, please copy this form)

[Signature]  
Signature

Its: [Signature]  
Title (owner, President, member, etc.)

(Notary) State of Arizona  
County of Pinal



On this 3rd day of January, 2013, before me, the undersigned Notary Public, personally appeared Harold Christ, known to me to be the person whose name is subscribed to the within instrument and acknowledged that Harold Christ executed the same. In witness whereof I here to set my commission express my hand and official seal.  
207 Waiver  
PZC-01-13-ZC  
April 19, 2015  
Staci A. David

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land that is included within the North End Framework Vision Plan study area, which is now known as Territory Square. The Town is initiating a request to change the zoning of the properties within the aforementioned described area to Territory Square (TS) per Zoning Application PZC-01-13-ZC. Properties subject to rezoning are further described in Exhibit A. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zoning Application PZC-01-13-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zoning Application PZC-01-13-ZC. Except as expressly set forth in the Zoning Application PZC-01-13-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

All Rankin Family LLC parcels within the North End Framework  
Parcel(s) vision plan study area

PO Box 1471, Florence AZ 85132  
Physical or Mailing Address

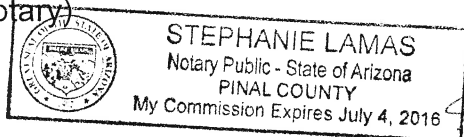
Dated this 18th day of Jan., 2013

By: Guy Rankin  
Owner (if more than one, please copy this form)

\* Guy Rankin  
Signature

Its: General Partner  
Title (owner, President, member, etc.)

(Notary)



Slamas

# APPLICATION FOR REZONING

PROJECT NAME: Territory Square Zone Change

APPLICATION TYPE:  Rezoning  PUD  PUD Amendment

1. Property Owner: Name: See attached forms  
Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

2. Applicant/Developer: Name: Town of Florence  
Address: 775 N. Main St.  
Florence AZ 85132

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

3. Address or Location of Property: See attached forms

4. Legal Description of Property: If applicable, include Lot(s), Block(s), and Subdivision Name: See attached forms

Tax Parcel Numbers: \_\_\_\_\_

Gross Acres: \_\_\_\_\_ Net Acres: 623 ac

5. Current Zoning District: (RA-10), (R1-R), (P/T), (PUD)

6. Proposed Zoning District: (TS) Territory Square

[Signature] 7/12/13  
SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE DATE

### FOR STAFF USE ONLY:

CASE NO. <u>PZC-1-13-2C</u>	APPLICATION DATE AND TIME _____
PZ HEARING DATE <u>7/18/13</u>	FEE \$ _____
1 <sup>st</sup> TC HEARING DATE <u>8/19/13</u>	REVIEWED BY: _____
2 <sup>nd</sup> TC HEARING DATE <u>9/2/13</u>	
RECOMMENDATION: APPROVAL	DISAPPROVAL

STATE OF ARIZONA  
COUNTY OF PINAL

SS.

# Affidavit of Publication

RUTH A. KRAMER first being duly sworn deposes and says: That he/she is a native born citizen of the United States of America, over 21 years of age, that I am an agent and/or publisher of the Florence Reminder and Blade-Tribune, a weekly newspaper published at Florence, Pinal County, Arizona, on Thursday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for ONE consecutive issues the first publication thereof having been on the 1ST

day of AUGUST A.D., 2013

Second publication \_\_\_\_\_

Third publication \_\_\_\_\_

Fourth publication \_\_\_\_\_

Fifth publication \_\_\_\_\_

Sixth publication \_\_\_\_\_

## FLORENCE REMINDER AND BLADE-TRIBUNE

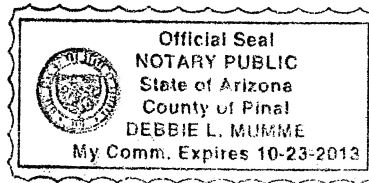
By [Signature]  
agent and/or publisher of the Florence Reminder and Blade-Tribune


Sworn to before me this 5th

day of August A.D. 2013  
[Signature]

Notary Public in and for the County  
of Pinal, State of Arizona

**NOTICE OF PUBLIC HEARING  
FLORENCE TOWN COUNCIL**  
Notice is hereby given that the Florence Town Council will hold a Public Hearing on Monday, August 19, 2013 at 6:00 PM at Florence Town Hall located at 775 N. Main Street, Florence, Arizona, 85132 to discuss the following application:  
PZC-1-13-ZC. Public Hearing A Zone Change request by the Town of Florence on behalf of the Territory Square property owners to change the existing zoning on the subject properties from Rural Agricultural (RA-10), Single Residential Ranchette (R1-R), Public /Institutional (P/I) and Planned Unit Development (PUD) to Territory Square (TS). The Territory Square project area is generally located along the south side of the Gila River between the Plant Road alignment and Highway 79. A detailed description of the proposed Zone Change request, including a map of the area, is available for viewing at the Town of Florence Community Development Department.  
Additional information on the above case can be obtained Monday thru Friday from 8 AM to 5 PM at the Town of Florence Community Development Department located at 600 N. Main Street, Florence, Arizona 85132 or please call (520) 868-7542.  
Pursuant to Title II of the Americans with Disabilities Act (ADA), the Town of Florence does not discriminate on the basis of disability regarding admission to public meetings. Persons with a disability may request reasonable accommodations by contacting the Town of Florence ADA Coordinator at (520) 868-7574 or (520) 868-7502 TDD. Requests should be made as early as possible to allow time to arrange the accommodation.  
No. of publications: One, date of publication: August 1, 2013.



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>9a.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Community Development  <b>STAFF PRESENTER:</b> Mark Eckhoff, AICP Community Development Director  <b>SUBJECT:</b> Resolution No. 1410-13: Silver King Marketplace Final Plat (PZC-31-13-FP).		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1410-13 for the Final Plat of Silver King Marketplace.

**BACKGROUND/DISCUSSION:**

This Final Plat combines the Silver King Marketplace lot with the Padilla property that was recently purchased by the Town. This re-subdivision combines these two lots and also abandons the Granite Street right-of-way in between these lots.

Staff is collaborating with consultants on creating an inviting open space area for this new lot that provides shade, grass areas, seating areas and an environment that is comfortable for outdoor gatherings and small events. The outdoor space will provide an extension of the indoor space at the Silver King Marketplace, which should promote the Silver King’s potential to include more restaurants.

**FINANCIAL IMPACT:**

The cost of the park development, which has been budgeted, will benefit the Town as a whole and should help the Town to attract new businesses downtown and to the Silver King Marketplace.

**RECOMMENDATION:**

Motion to adopt Resolution No. 1410-13 for the Final Plat of the Silver King Marketplace.

**ATTACHMENTS:**

Resolution No. 1410-13  
Final Plat

**RESOLUTION NO. 1410-13**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY  
ARIZONA, APPROVING THE FINAL PLAT OF SILVER KING  
MARKETPLACE (PZC-31-13-FP).**

**BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona,  
as follows:

Approve the Final Plat of Silver King Marketplace, subject to compliance with all  
applicable laws and ordinances.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence,  
Arizona, this 19<sup>th</sup> day of August 2013.

---

Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Lisa Garcia, Town Clerk

---

James E. Mannato, Town Attorney

# Final Plat of SILVER KING MARKETPLACE

OWNER/DEVELOPER  
THE TOWN OF FLORENCE, AN  
ARIZONA MUNICIPAL CORPORATION

ENGINEER  
The WLB Group Inc.  
4444 East Broadway Boulevard  
Tucson, Arizona 85711  
(520) 881-7480  
CONTACT: JACK B. BUCHANAN

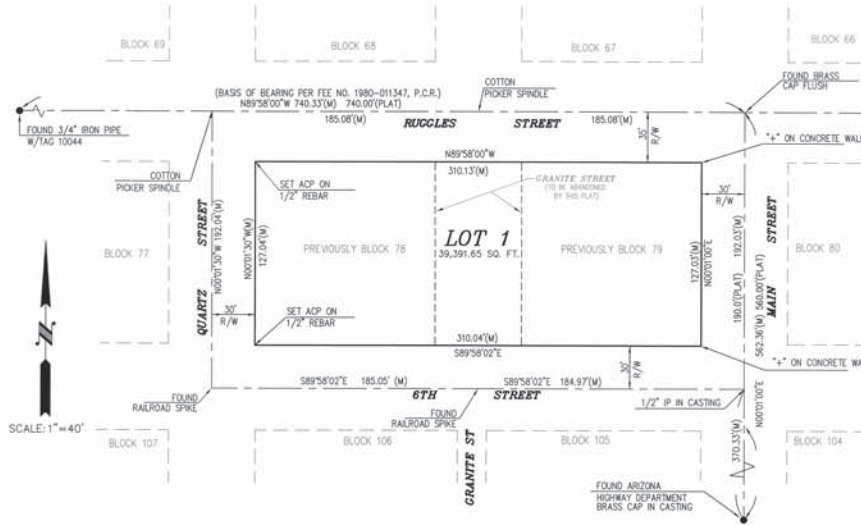
A RE-SUBDIVISION OF BLOCKS 78 & 79 OF FLORENCE TOWNSITE, INCLUDING THAT PORTION OF THE GRANITE STREET RIGHT-OF-WAY LYING BETWEEN SAID BLOCKS, BOOK NO. 1 PAGE 1 OF P.C.R., LYING WITHIN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 9 EAST, Q1A AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA

### GENERAL NOTES

1. ALL-WEATHER ACCESS WILL BE PROVIDED TO ALL LOTS WITHIN THIS SUBDIVISION.
2. SEWERAGE WILL BE BY PUBLIC SEWER SYSTEM.
3. TOTAL MILES OF NEW PUBLIC STREET = 0
4. TOTAL GROSS ACREAGE IS 0.004 AC.
5. TOTAL NUMBER OF LOTS IS 1.
6. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
7. GRANITE STREET RIGHT OF WAY NORTH OF SIXTH STREET AND SOUTH OF RUGGLES STREET WILL BE ABANDONED BY THIS PLAT.
8. A BLANKET PUBLIC UTILITY EASEMENT (P.U.E.) SHALL COVER ALL OF LOT 1.

### BASIS OF BEARINGS:

THE CENTERLINE OF RUGGLES STREET PER ROS RECORDED FEE NO. 1980-011347 BEARING BEING N89°58'00"W



SCALE: 1" = 40'

### DECLARATION, TITLE WARRANTY, AND DEDICATION

STATE OF ARIZONA }  
COUNTY OF PINAL } S.S.

I hereby certify that the within instrument is filed in the official records of this County in \_\_\_\_\_ FEE NO. \_\_\_\_\_ Date: \_\_\_\_\_ Request of: \_\_\_\_\_ Witness my hand and official seal. Virginia Ross Pinal County Recorder By: \_\_\_\_\_ Deputy

KNOWN ALL MEN BY THESE PRESENTS:

THE TOWN OF FLORENCE, ARIZONA, AS OWNER HAS RE-SUBDIVIDED UNDER THE NAME OF SILVER KING MARKETPLACE, AS SHOWN ON THE MAP OF FLORENCE TOWNSITE, PINAL COUNTY, ARIZONA, RECORDED IN BOOK 1, PAGE 1, RECORDS OF THE PINAL COUNTY RECORDER, AND LOCATED WITHIN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 9 EAST, Q1A AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, AND HEREBY DECLARES THIS RE-SUBDIVISION SETS FORTH THE LOCATION AND GIVE THE DIMENSIONS OF THE (LOT(S) AND EASEMENTS CONSTITUTING SAME AND THAT SAID LOT(S) AND TRACTS, SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY.

IN WITNESS WHEREOF:

THE TOWN OF FLORENCE, AN ARIZONA MUNICIPAL CORPORATION AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND HAS EXECUTED THIS SUBDIVISION PLAT BY THE SIGNATURE OF THE UNDERSIGNED, DULY AUTHORIZED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF ARIZONA }  
COUNTY OF \_\_\_\_\_ } S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED \_\_\_\_\_ WHO ACKNOWLEDGED HIMSELF TO BE THE \_\_\_\_\_ OF TOWN OF FLORENCE, AN ARIZONA MUNICIPAL CORPORATION, AND BEING AUTHORIZED TO DO SO ON BEHALF OF SAID ENTITY, EXECUTED THIS PLAT FOR THE PURPOSES THEREIN CONTAINED.

NOTARY PUBLIC \_\_\_\_\_ DATE \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

### APPROVALS

BY ACCEPTANCE OF THIS RE-SUBDIVISION, THE TOWN OF FLORENCE AGREES TO THE VACATION OR ABANDONMENT OF THE RIGHT OF WAY FOR GRANITE STREET AS SHOWN HEREON.

APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR AND THE TOWN ENGINEER OF THE TOWN OF FLORENCE, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR  
TOWN OF FLORENCE, ARIZONA

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN ENGINEER  
TOWN OF FLORENCE, ARIZONA

APPROVED BY THE COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
MAYOR

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN CLERK

### LAND SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALL LOT CORNERS AND STREET MONUMENTATIONS HAVE BEEN SET OR WILL BE PERMANENTLY SET BY COMPLETION OF CONSTRUCTION.

BY: \_\_\_\_\_  
JACK A. BUCHANAN, RLS 12214  
THE WLB GROUP, INC.  
4444 W. BROADWAY BLVD.  
TUCSON AZ, 85711 (520)881-7480



EXPIRES 3/31/2014  
(INDICATES RENEWAL DATE)

AUGUST 6, 2013  
WLB NO.108037-A001-0106

SHEET 1 OF 1

### CERTIFICATE OF ASSURED WATER SUPPLY

SILVER KING MARKETPLACE HAS RECEIVED A CERTIFICATE OF ASSURED WATER SUPPLY FOR THIS SUBDIVISION PURSUANT TO A.R.S. 45-576.

### LEGEND

- SUBDIVISION BOUNDARY
- LOT LINE
- - - RIGHT OF WAY TO BE ABANDONED BY THIS PLAT



VICINITY MAP  
NO SCALE




Consulting Planning Surveying  
Landscape Architecture Urban Design  
Photogrammetry Archeology  
Paving Asphalt and Concrete  
4444 East Broadway  
Tucson, Arizona (520) 881-7480



N:\108037-Silver King\SilverKing-Final-01.dwg



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>9b.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/Town Clerk  <b>SUBJECT:</b> Resolution No. 1412-13: Supporting the Casa Grande Ruins National Monument Boundary Expansion		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1412-13: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING THE CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY EXPANSION.

**BACKGROUND/DISCUSSION:**

There has been a bipartisan bill introduced in the House of Representatives to enlarge the boundaries of Casa Grande Ruins National Monument. This proposal has been around for a while – it will protect important archaeological sites and also entice park visitors to stay longer in Pinal County, as there will be more to see.

A resolution from Florence supporting this bill, much like the attached resolution from Coolidge, and a resolution passed this week by the Pinal County Board of Supervisors would be very helpful in our efforts to convince Congress to pass this legislation.

**FINANCIAL IMPACT:**

There will be no fiscal impact.

**STAFF RECOMMENDATION:**

Adopt Resolution No. 1412-13

**ATTACHMENTS:**

Resolution No. 1412-13  
City of Coolidge Ordinance No. 13-14  
Draft Bill

## RESOLUTION NO. 1412-13

### **A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING THE CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY EXPANSION.**

**WHEREAS**, the Town of Florence recognizes that many of the modern tribes of southern Arizona, who are the descendants of the Ancient Sonoran Desert People, have inhabited southern Arizona since time immemorial; and

**WHEREAS**, the Town of Florence recognizes the need to protect, preserve, and manage cultural resources on its traditional-use lands; and

**WHEREAS**, the Town of Florence recognizes that the Casa Grande Ruins Reservation was set aside on March 2, 1892, proclaimed as the United States' first archeological preserve on June 22, 1892, and was redesignated as the Casa Grande Ruins National Monument on August 13, 1918; and

**WHEREAS**, the Town of Florence recognizes that the Casa Grande Ruins National Monument protects and preserves one of the finest architectural examples of the 13<sup>th</sup> Century Hohokam culture in the Southwest; that the Casa Grande Ruins National Monument represents only part of what was a settlement that may have covered 2 square miles; and that recent surveys and research have determined that Casa Grande Ruins National Monument archeological site extends outside the existing boundary; and

**WHEREAS**, the Town of Florence recognizes that development is encroaching on the Casa Grande Ruins National Monument and adjacent lands; and

**WHEREAS**, the National Park Service has studied the possibility of expanding the Casa Grande Ruins National Monument to include other sensitive archeological sites associated with the Casa Grande Community, and to preserve the historical integrity including the view shed and vistas of the Casa Grande Ruins National Monument; and

**WHEREAS**, the Town of Florence recognizes that much of the large Hohokam village area surrounding the existing Casa Grande Ruins National Monument is not protected; and furthermore, that opportunities to protect the few remaining areas in Arizona where Hohokam material culture is present are greatly threatened by rapid growth and development in the Maricopa, Pinal, and Pima County areas; and

**WHEREAS**, the Town of Florence supports the proposed annexation of the Casa Grande Ruins National Monument as identified in the proposed legislation, which is attached hereto.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Town of Florence, Arizona, do hereby support the Casa Grande Ruins National Monument expansion, and recommend that Congresswoman Ann Kirkpatrick sponsor legislation to accomplish such a boundary expansion to preserve and protect culturally significant and sensitive sites adjacent to and nearby the existing Casa Grande Ruins National Monument.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Florence, Arizona, on this 19<sup>th</sup> day of August, 2013.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
James E. Mannato, Town Attorney

RESOLUTION No. 13-14

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COOLIDGE, ARIZONA, SUPPORTING THE CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY EXPANSION.**

**WHEREAS,** The City of Coolidge recognizes that many of the modern tribes of southern Arizona, who are the descendants of the Ancient Sonoran Desert People, have inhabited Southern Arizona since time immemorial; and

**WHEREAS,** The City of Coolidge recognizes the need to protect, preserve, and manage cultural resources on its traditional-use lands; and

**WHEREAS,** The City of Coolidge recognizes that the Casa Grande Ruins Reservation was set aside on March 2, 1892, proclaimed as the United States first archaeological preserve on June 22, 1892, and was redesignated as the Casa Grande Ruins National Monument on August 13, 1918; and

**WHEREAS,** The City of Coolidge recognizes that the Casa Grande Ruins National Monument protects and preserves one of the finest architectural examples of the 13<sup>th</sup> Century Hohokam culture in the Southwest; that the Casa Grande National Monument represents only part of what was a settlement that may have covered 2 square miles; and that recent surveys and research have determined the Casa Grande National Monument archaeological site extends outside the existing boundary; and

**WHEREAS,** The City of Coolidge recognizes that development is encroaching on the Casa Grande Ruins National Monument and adjacent lands; and

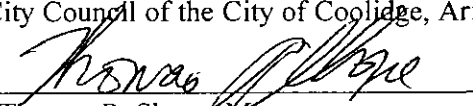
**WHEREAS,** The National Park Service has studied the possibility of expanding the Casa Grande National Monument to include other sensitive archeological sites associated with the Casa Grande Community, and to preserve the historic integrity including the view shed and vistas of the Casa Grande National Monument; and

**WHEREAS,** The City of Coolidge recognizes that much of the large Hohokam village area surrounding the existing Casa Grande National Monument is not protected; and furthermore that opportunities to protect the few remaining areas in Arizona where Hohokam material culture is present are greatly threatened by rapid growth and development in the Maricopa, Pinal, and Pima County area; and

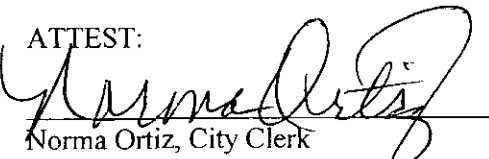
**WHEREAS,** The City of Coolidge supports the proposed expansion of the Casa Grande Ruins National Monument as identified in the proposed legislation, which is attached hereto; and

**NOW THEREFORE BE IT RESOLVED** that the Mayor and City Council of the City of Coolidge do hereby support the Casa Grande Ruins National Monument expansion, and recommend that Congresswoman Ann Kirkpatrick sponsor legislation to accomplish such a boundary expansion to preserve and protect culturally significant and sensitive sites adjacent to and nearby the existing Casa Grande Ruins National Monument.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Coolidge, Arizona, on this 28<sup>th</sup> day of May, 2013.

  
Thomas R. Shope, Mayor

ATTEST:

  
Norma Ortiz, City Clerk

APPROVED AS TO FORM:

  
Denis Fitzgibbons, City Attorney

.....  
(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To modify the boundary of the Casa Grande Ruins National Monument,  
and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mrs. KIRKPATRICK introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To modify the boundary of the Casa Grande Ruins National  
Monument, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Casa Grande Ruins  
5       National Monument Boundary Modification Act of 2013”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Casa Grande Ruin Reservation was set  
9       aside on March 2, 1889, proclaimed as the Nation’s

1 first archeological preserve on June 22, 1892, and  
2 redesignated as Casa Grande Ruins National Monu-  
3 ment on August 3, 1918.

4 (2) Casa Grande Ruins National Monument  
5 protects one of the finest architectural examples of  
6 13th Century Hohokam culture in the American  
7 Southwest known to early Spanish explorers as the  
8 “Great House”.

9 (3) Casa Grande is only part of the story of  
10 this ancient town that may have covered 2 square  
11 miles.

12 (4) Recent surveys and research have deter-  
13 mined that the area of the Great House and the vil-  
14 lage surrounding it extends beyond the current  
15 monument boundary.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) MAP.—The term “map” means the map en-  
19 titled “Proposed Casa Grande Ruins Boundary  
20 Modification”, numbered 303/100,934, and dated  
21 January 2010.

22 (2) MONUMENT.—The term “Monument”  
23 means the Casa Grande Ruins National Monument  
24 in the State of Arizona.

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (4) STATE.—The term “State” means the State  
4           of Arizona.

5   **SEC. 4. ACQUISITION AND TRANSFER OF ADMINISTRATIVE**  
6                                   **JURISDICTION OF LANDS.**

7           (a) ACQUISITION OF LANDS.—The Secretary is au-  
8           thorized to acquire by donation, exchange, or purchase  
9           with donated or appropriate funds from willing owners  
10          only, the private or State lands or interests in lands gen-  
11          erally depicted on the map, to be administered as part of  
12          the Monument.

13          (b) TRANSFER OF ADMINISTRATIVE JURISDICTION  
14          TO THE NPS.—The following Federal lands as generally  
15          depicted on the map are hereby withdrawn from all forms  
16          of entry, appropriation, and disposal under the public land  
17          laws; location, entry, and patent under the mining laws;  
18          and operation of the mineral leasing and geothermal leas-  
19          ing laws and mineral materials laws, and administrative  
20          jurisdiction of such Federal lands is hereby transferred to  
21          the National Park Service to be administered as part of  
22          the Monument:

23                 (1) The approximately 3.8 acres of Federal  
24                 land administered by the Bureau of Land Manage-  
25                 ment.

1           (2) The approximately 7.41 acres of Federal  
2 land of administered by the Bureau of Indian Af-  
3 fairs.

4           (c) TRANSFER OF ADMINISTRATIVE JURISDICTION  
5 TO BIA.—Administrative jurisdiction of the approximately  
6 3.5 acres of Federal land administered by the National  
7 Park Service as generally depicted on the map as “Lands  
8 to be Transferred to BIA” are hereby transferred to the  
9 Bureau of Indian Affairs for the purposes of the San Car-  
10 los Irrigation Project.

11          (d) ADMINISTRATION.—Upon acquisition or transfer  
12 of the lands identified in subsections (a) and (b), the Sec-  
13 retary shall administer those lands as part of the Monu-  
14 ment in accordance with the laws generally applicable to  
15 units of the National Park System, including—

16           (1) the National Park Service Organic Act (16  
17 U.S.C. 1 et seq.); and

18           (2) the Act of August 21, 1935 (16 U.S.C. 461  
19 et seq.).

20          (e) BOUNDARY AND MAP UPDATE.—

21           (1) TRANSFERS.—Upon completion of the  
22 transfers pursuant to subsection (b), the Secretary  
23 shall modify the boundary of the Monument accord-  
24 ingly, and shall update the map to reflect such  
25 transfers.



1           (2) ACQUISITIONS.—Upon completion of any of  
2           the acquisitions pursuant to subsection (a), the Sec-  
3           retary shall modify the boundary of the Monument  
4           accordingly, and shall update the map to reflect such  
5           acquisitions.

6           (f) MAP ON FILE.—The map shall be on file and  
7           available for inspection in the appropriate offices of the  
8           National Park Service, U.S. Department of the Interior.

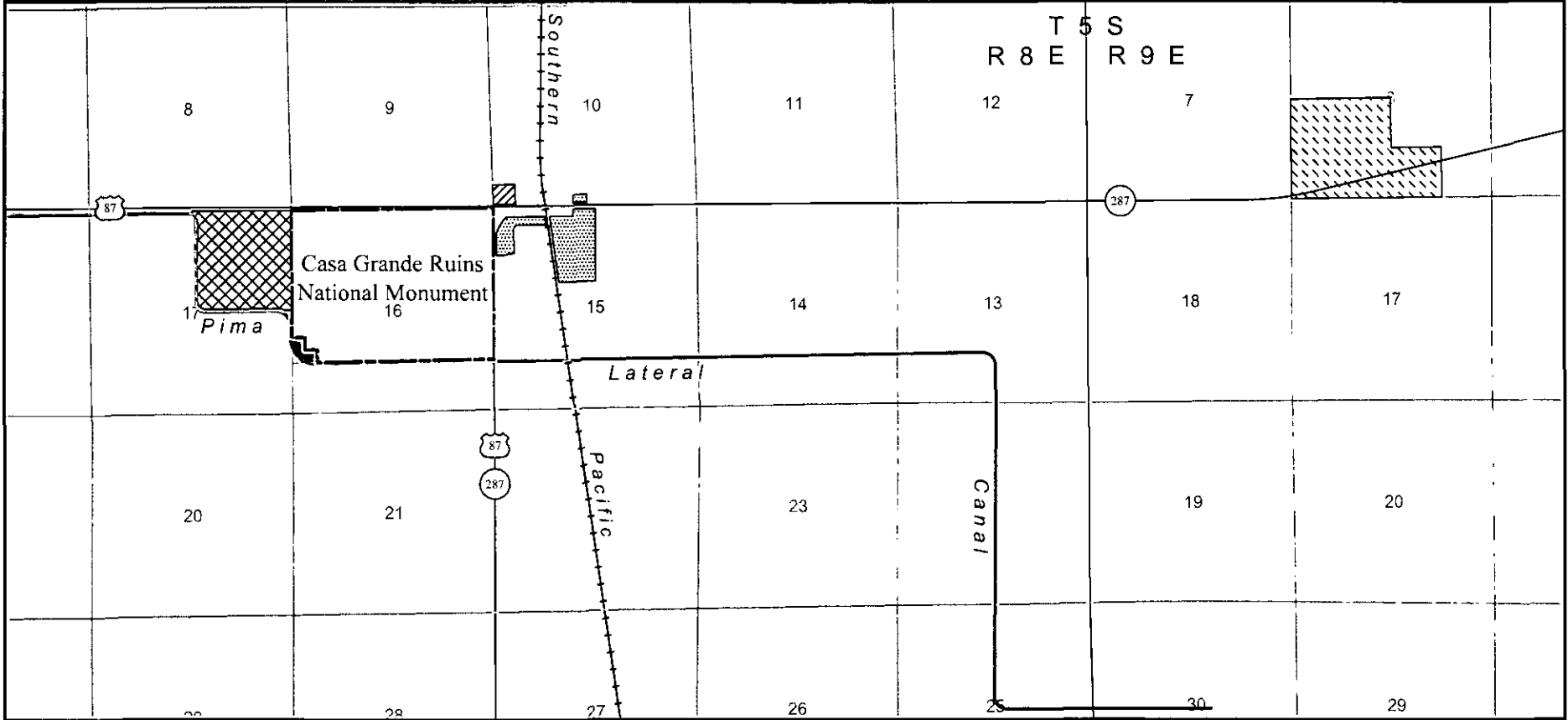
9           **SEC. 5. ADMINISTRATION OF STATE TRUST LANDS.**

10          The Secretary may enter in to an agreement with the  
11          State to provide for cooperative management of the ap-  
12          proximately 200 acres of State trust lands generally de-  
13          picted on the map.

# Casa Grande Ruins National Monument

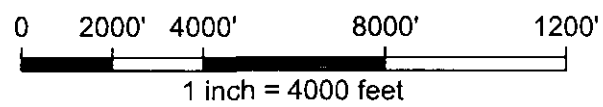
## Pinal County, Arizona

National Park Service  
US Department of the Interior



- Proposed Additions**
- Private Land (Archaeological Conservancy);** 60± ac. (deeds recorded at Fee No. 1998-039791, 1999-039877, and 2000-033231.)
  - Bureau of Land Management;** 3.80± ac. (Parcel Three per 11/7/03 survey plat by Carlos J. Encinas, RLS No. 32780)
  - Bureau of Indian Affairs;** 7.41 ac. (2/11/03 Survey plat & description by Carlos J. Encinas, RLS No. 32780)
  - Private land;** 145.857 ac. (9/19/05 Survey plat & description by Gerald Hughes, RLS No. 15573)
  - State of Arizona,** 200± ac. (SW & SWSE)

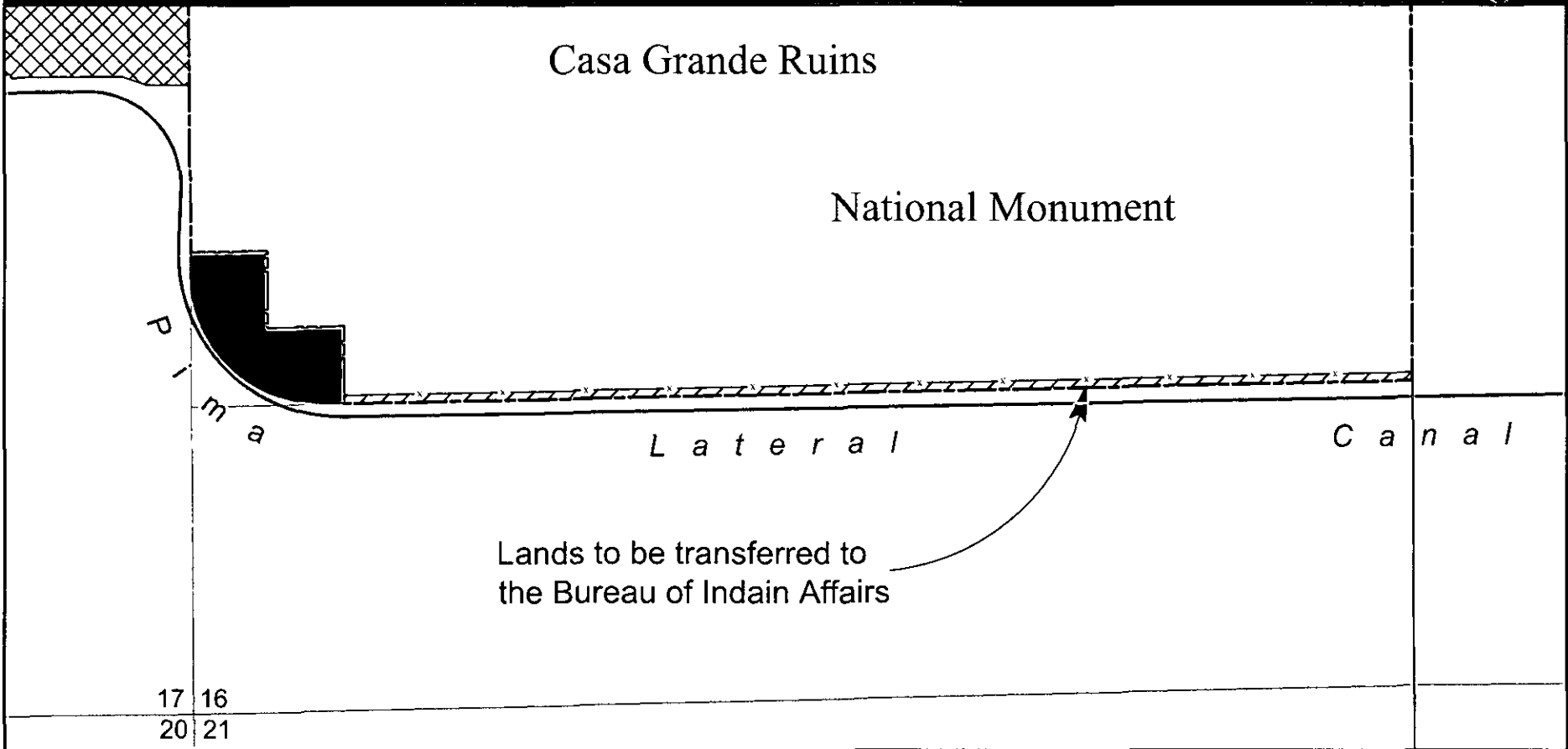
Title: **Proposed Casa Grande Ruins Boundary Modification**  
 Date: **January, 2010**  
 Map Number: **303/100,934** (Sheet 1 of 2)  
 Office: Land Resources Program Center  
 Region: Intermountain  
 Park: CAGR  
 Total Proposed Acreage: ± 417 acres



# Casa Grande Ruins National Monument

Pinal County, Arizona

National Park Service  
US Department of the Interior



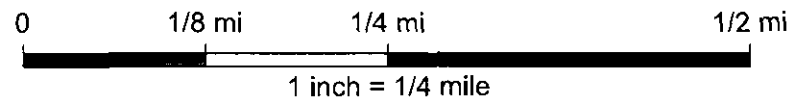
### Lands to be Transferred to BIA

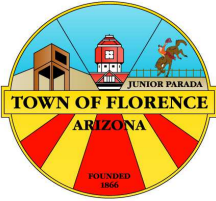
3.50 acres of Federal land, identified as *Parcel Four* on a Survey Plat by Carlos J. Encinas, RLS 32780, entitled "Results of Survey, Casa Grande National Monument Land Exchange", dated 11/7/03, to be transferred from the National Park Service to the Bureau of Indian Affairs to correct an unintentional trespass and allow for the widening and paving of the San Carlos Irrigation Project (Pima Lateral Canal).

Title: **Proposed Casa Grande Ruins Boundary Modification**

Date: **January, 2010**

Map Number: **303/100,934** (Sheet 2 of 2)





## TOWN OF FLORENCE COUNCIL ACTION FORM

## AGENDA ITEM 9c.

**MEETING DATE:** August 19, 2013

**DEPARTMENT:** Police Department

**STAFF PRESENTER:** Daniel Hughes, Chief of Police

**SUBJECT:** Intergovernmental Agreement with Pinal County Sheriff's Office to accept K-9 Russ

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
  - Regulatory
  - 1<sup>st</sup> Reading
  - 2<sup>nd</sup> Reading
- Other

### RECOMMENDED MOTION/ACTION:

Enter into an Intergovernmental Agreement (IGA) with the Pinal County Sheriff's Office (PCSO) to accept a Pinal County, Belgian Malinois K-9, Russ #2085, Pinal County Animal Control #61196 (K-9), currently a member of PCSO, to assist the Florence Police Department in performing their law enforcement functions.

### BACKGROUND/DISCUSSION:

The Florence Police Department (FPD) currently has two K-9s assigned to the Patrol Division. One of the K-9s became unresponsive as a drug detection dog. The Pinal County Sheriff's Office (PCSO) had Russ available as a single purpose drug detection dog. PCSO, however, utilizes dual purpose K-9s and therefore would like to give Russ to FPD at no cost. Russ has already received drug detection training and has been certified. This acceptance will save the Police Department the cost of a replacement dog and training hours.

### FINANCIAL IMPACT:

None

### STAFF RECOMMENDATION:

Enter into an IGA, accepting the K-9 Russ from PCSO.

### ATTACHMENTS:

Intergovernmental Agreement  
Florence Police Department Request Letter to Pinal County Sheriff's Office

When Recorded Return to:

Clerk of the Pinal County  
Board of Supervisors  
P.O. Box 827  
Florence, Arizona 85132

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
PINAL COUNTY AND THE TOWN OF FLORENCE REGARDING  
LAW ENFORCEMENT BELGIAN MALINOIS K9, RUSS #2085,  
PINAL COUNTY ANIMAL CONTROL #61196**

This Intergovernmental Agreement (Agreement) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between Pinal County, a political subdivision of the State of Arizona (Pinal) on behalf of the Pinal County Sheriff's Office (PCSO), and the Town of Florence, a municipal corporation of the State of Arizona (Florence).

**RECITALS**

- A. Pinal and Florence are authorized to enter into this agreement pursuant to A.R.S. § 11-951, et seq.
- B. By action of their respective governing bodies taken at a regularly scheduled meeting of each body, Pinal and Florence have approved execution of this Agreement.
- C. Pinal County and the Pinal County Sheriff's Office and the Town of Florence and the Florence Police Department share complementary interests in preventing, deterring, responding to, and investigating emergency, public safety, and criminal incidents within the Town of Florence, which lies within the boundaries of Pinal County.
- D. Pinal County wishes to transfer to Florence, Belgian Malinois K9, Russ #2085, Pinal County Animal Control #61196 (K9), currently a member of PCSO, to assist the Florence Police Department in performing their law enforcement functions.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

- 1. The above recitals are incorporated into this Agreement as if set forth hereinafter in their entirety.
- 2. Upon execution of this Agreement, Pinal shall transfer control and ownership of PCSO K9 Russ #2085 to Florence. Pinal relinquishes all rights, title, and interest in the K9 and all responsibility for his care, training, conditions and actions to Florence.
- 3. Florence accepts full ownership of the K9.

4. In accepting full ownership of the K9, Florence assumes complete responsibility for his condition and actions. Florence agrees that Pinal has no liability for damages to any property or personal injury including injury or death to any person arising from or incident to the transfer of ownership of the K9 or his subsequent use or disposition.
5. Florence agrees to indemnify, release Pinal from any and all claims, losses, costs, expenses or liability and otherwise hold harmless Pinal and its employees and officers from any actions that may arise from the care and control of the K9.
6. Florence agrees to purchase or otherwise acquire in its name, any and all required licenses and records within 72 hours of receiving the K9.
7. Florence acknowledges that it has not exchanged anything of value except this agreement and waiver of liability for the K9.
8. If for any reason, Florence shall no longer desire to utilize the K9, Florence agrees that Pinal has "Right of First Refusal" as to any subsequent transfer of ownership of the K9.
9. Florence accepts the K9 as is. Florence is fully aware that Pinal makes no warranty of guaranty of the physical condition, temperament or future behavior actions of the K9.
10. All notices or communications required under this Agreement from either party to the other shall be in writing and shall be deemed to have been given when the notice is delivered in person or deposited in a U.S. Mailbox in a postage prepaid envelope addressed as follows:

Pinal County  
County Manager  
31 N. Pinal St.  
Florence, AZ 85132

Town of Florence  
Town Manager  
P.O. Box 2670  
Florence, AZ 85132

11. The failure to exercise any right, power or privilege under this Agreement shall not operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise of that or any right, power or privilege.
12. Nothing in this Agreement shall be construed as either limiting or extending the lawful jurisdiction of either party hereto other than as expressly set forth herein.
13. The Parties agree that this Agreement shall be governed by the laws of the State of Arizona.

14. This Agreement contains the entire agreement between the parties, and no statements, promises or inducements made by either party, their agents or employees that are not contained herein shall be valid or binding. This Agreement may not be altered except in writing and signed by each of the parties hereto.

**IN WITNESS WHEREOF**, the parties hereto agree to carry out the terms of this Agreement and have executed this Agreement the day, month and year first written above.

Town of Florence, a municipal corporation of  
the State of Arizona

Pinal County, a political subdivision of the  
State of Arizona

By: \_\_\_\_\_  
Town Manager

By: \_\_\_\_\_  
County Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Deputy County Attorney



# FLORENCE POLICE DEPARTMENT

425 N. Pinal St. / P.O. Box 988 Florence, AZ 85132

Bus: (520) 868-7681 • Fax: (520) 868-0158

**Daniel Hughes, Chief of Police**

July 22, 2013

Sheriff Paul Babeu  
Pinal County Sheriff's Office  
971 N. Jason Lopez  
Florence, Arizona 85132

Dear Sheriff Babeu:

It has come to my attention the Pinal County Sheriff's Office has elected to remove the K-9, "Russ" from active service as a dual purpose dog. The Florence Police Department would like to request that "Russ" be given to the Department's K-9 Unit to be utilized as single purpose drug detection dog. We have experienced some issues with one of our current single purpose dogs and have recently removed it from service.


Thank you for your consideration in this matter. As always, the Florence Police Department and our resources are available should the Pinal County Sheriff's Office need assistance.

If you should have any questions, please contact me.

Sincerely,

Daniel Hughes,  
Chief of Police  
Florence Police Department  
425 N. Pinal Street  
Florence, AZ 85132  
520-868-7658  
Daniel.Hughes@florenceaz.gov



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>9d.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia Deputy Town Manager/Town Clerk  <b>SUBJECT:</b> Acceptance of the letter of resignation from Barbara J. Kelly for her seat on the Redevelopment Commission.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION:ACTION:**

Accept the letter of resignation from Barbara J. Kelly for her seat on the Redevelopment Commission, with regret.

**BACKGROUND/DISCUSSION:**

Ms. Barbara J. Kelly submitted a letter of resignation for her seat on the Redevelopment Commission on June 17, 2013. The letter of resignation was received by the Town Clerk's Office on June 24, 2013. Ms. Kelly asked that her resignation be held until July 31, 2013.

Town staff is seeking applications for vacancies on the following Board and Commissions: Historic District Advisory Commission, Parks and Recreation Advisory Board, Planning and Zoning Commission - Alternate, and Redevelopment Commission.

**FINANCIAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff recommends accepting the letter of resignation from Barbara J. Kelly for her seat on the Redevelopment Commission.

**ATTACHMENTS:**

Barbara J. Kelly Letter of Resignation  
Redevelopment Commission Member List

Town of Florence  
Scott Bowles  
PO Box 2670  
Florence AZ 85132

June 17, 2013

Scott,

I am tendering my notice of resignation to the Florence Redevelopment Commission.

Since the commission has not met since December 18, 2012 and the regularly scheduled meetings for 2013 have been cancelled, it appears that there is no need for this commission to be in existence. With this statement I do not feel it is in my best interest to continue to serve on this commission.

I joined this commission hoping to make a difference in my town and community. But with no sense of progress moving forward on the redevelopment area of downtown nor the effectiveness of this commission or its recommendations having been regarded by the council or town leadership that I submit my letter of resignation. It is my hope that if this commission is to continue in whatever form it may take that the much needed actions and "redevelopment" does take place in the town's historic district to breathe much needed life and economic renewal to the area.

Respectfully,

  
Barbara J Kelly

*CC: Lisa Garcia*

# Redevelopment Commission

(4 Year Term)

Meets the Fourth Tuesday of the Month at 6:00p.m.

5 members

Chairman and Vice-Chairman to be appointed every January by Council

## **Sharon Speck**

13952 N. Kendras Pl  
P O Box 1156  
Florence, AZ 85132  
(520) 868-0641 (work)  
(520)510-8264  
[sharon.speck@nbarizona.com](mailto:sharon.speck@nbarizona.com)  
Appointed: 1/7/2013  
Expires: 12/31/2016

## **Vicki Kilvinger**

3912 N. Iowa Avenue  
Florence AZ 85132  
(520) 868-9430  
Appointed: 6/18/2012  
Expires: 12/31/2014

## **Barbara J. Kelly**

P O Box 550  
Florence, AZ 85132  
(520) 560-5610 (home)  
Email: [barbarakelly@centurylink.net](mailto:barbarakelly@centurylink.net)  
Appointed: 2/22/2011  
Expires: 12/31/2014

## **Elizabeth Kizer - Chairman**

3634 N. Balboa Dr.  
Florence, AZ 85132  
928-245-7805 (home)  
Email: [ekizer@gmail.com](mailto:ekizer@gmail.com)  
Appointed: 1/7/2013  
Expires: 12/31/2016  
Chair Expires: 12/31/13

## **Vacant**

Expires: 12/31/2016  
Vice-Chair Expires 12/31/2013

## **Staff Liaison**

### **Scott Bowles**

P.O. Box 2670  
Florence, AZ 85132  
(520) 868-7549 (work)  
[scott.bowles@florenceaz.gov](mailto:scott.bowles@florenceaz.gov)

## **Council Liaisons**

### **Councilmember Tom Celaya**

801 W. Adamsville  
P.O. Box 2670  
Florence, AZ 85132  
Cell: 520-705-8703

### **Vice-Mayor Tom Smith**

191 N. Bailey  
P O Box 1810  
Florence, AZ 85132  
Home: 520-868-4473  
Cell: 520-705-1221

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON THURSDAY, JUNE 27, 2013, AT 4:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER:**

Mayor Rankin called the meeting to order at 4:00 p.m.

**ROLL CALL:**

Present: Rankin, Smith, Hawkins, Montaña  
Absent: Councilmember Celaya; Walter; Woolridge

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

There were no public comments.

**NEW BUSINESS**

**Discussion/Approval/Disapproval of award of CDBG 111-12 ADA Curb Cuts Project contract to Standard Construction Company, Inc., in the amount not to exceed \$288,091.00.**

Mr. Ernie Feliz, Special Districts Manager, stated the bid opening was on May 31, 2013, in which two bids were received for the Curb Cuts Project. The project will entail curbing along Main Street. The bids have been reviewed and all documents are in order. Staff is recommending the award of bid to Standard Construction Company, Inc. in an amount not to exceed \$288,091.00.

Mayor Rankin stated that the Town was given \$300,000 from SSP Funds. He inquired why the Town did not spend it all and why is the Town utilizing some of its own money.

Mr. Feliz stated the funding will be utilized for payment to Standard Construction Company, administrative fees and for drawing and signage. He said all of the money will be spent.

Mayor Rankin inquired if this project will include the brickwork that is to be done on Main Street that is required by SHPO.

Wayne Costa, Public Work Director, stated that during the inception, it was required that the handicap ramps meet ADOT criteria. The ADOT criteria has exception to allow diagonal ramps at each of the corners. Staff utilized Federal Highway Administration's standards to accommodate the handicap ramps. The handicap ramps are required to proceed with the Streetscape Project.

Mayor Rankin inquired if the crosswalks will have the stamped brick as well.

Mr. Costa stated in 2004, the PAR identified that the crosswalks and intersections would be stamped; however, that is not part of this project.

Mr. Jess Knudson, Assistant Town Manager, stated that the Town will piggyback on the curb cut project for the Streetscape Project to save money on improvements to the crosswalks and intersections along Main Street. He explained the improvements that will be made in the downtown area.

Mr. Knudson said ideas from the Streetscape Committee couldn't be utilized within the scope of the grant because access to the curbs weren't ADA compliant.

Mayor Rankin said that the stamped concrete may deteriorate from the historical value of Main Street.

Councilmember Hawkins said the stamped concrete will be an improvement. He said it will differentiate the crosswalks. The crosswalks will not have to be constantly repainted.

Vice-Mayor Smith inquired if the crosswalk by Kokopelli's will be done as well.

Mr. Costa stated that the crosswalk in front of Kokopelli's will be done. The crosswalk will be moved to the north because of the posts that are there. Sidewalk cuts will be done to accommodate the crosswalk.

On motion of Councilmember Montañó, seconded by Vice-Mayor Smith, and carried to award the CDBG 111-12 ADA Curb Cuts Project contract to Standard Construction Company, Inc., in the amount not to exceed \$288,091.00.

### **Discussion/Approval/Disapproval of the Disposal Agreement between the Town of Florence and Central Arizona Solid Waste, Inc.**

Mr. Wayne Costa, Public Works Director, said the agreement will be to transfer of waste disposal services to citizens and the Town for self-haul items in regards to bulk waste and solid waste. He said the Town did go out for bid and received three bids:

- Was a no bid

- Central Arizona Solid Waste, which is twelve miles away from the Town core, and one mile away from the northernmost Town limits
- Third bid was for 32 miles away

Mr. Costa said it was determined that Central Arizona Solid Waste was the low bidder. The fee is \$25.06 on weights of less than 1,000 pounds, and \$35.29 per ton for any waste above 1,000 pounds. He said this included in the Town's user rates for sanitation, in which the customer pays \$17.00 per month; \$12.50 is for RAD for their portion and the balance is for administrative fee and land fill costs.

Mayor Rankin inquired if the residents are required to hold animal feces for one month for bulk pickup.

Mr. Costa said that residents can dispose of animal feces but it has to be bagged and tied and can be disposed of with the containerized trash.

On motion of Councilmember Montaña, seconded Councilmember Hawkins, and carried to approve the Disposal Agreement between the Town of Florence and Central Arizona Solid Waste, Inc.

### **1. CALL TO THE PUBLIC**

There were no public comments.

### **2. CALL TO THE COUNCIL**

Vice-Mayor Smith stated that he was part of the first committee for the Streetscape Project. He said discussions have been going on for years. He thanked Mr. Knudson for his work on the Streetscape Project.

### **3. ADJOURNMENT**

On motion of Councilmember Montaña, seconded by Vice-Mayor Smith, and carried to adjourn the June 27, 2013 meeting at 4:16 p.m.

---

**Tom J. Rankin, Mayor**

**ATTEST:**

---

**Lisa Garcia, Town Clerk**

**I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 27, 2013, and that the meeting was duly called to order and that a quorum was present.**

---

**Lisa Garcia, Town Clerk**

**MINUTES OF THE FLORENCE TOWN MEETING HELD ON MONDAY, JULY 1, 2013,  
AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH  
MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER;**

Mayor Rankin called the meeting to order at 6:03 p.m.

**ROLL CALL:**

Present: Rankin, Smith, Hawkins, Montaño, Walter, Wooldridge  
Absent: Celaya

**INVOCATION PERFORMED BY REVEREND JOHN JOHNSON, FIRST  
PRESBYTERIAN CHURCH, PC.**

Reverend John Johnson, First Presbyterian Church, PC., performed the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

Mayor Rankin asked for a moment of silence in honor of the fallen firefighters that lost their lives in the Yarnell, Arizona fire.

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

There were no public comments.

**MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT  
NO. 1 BOARD.**

On motion of Councilmember Montaño, seconded by Councilmember Hawkins, and carried to adjourn to the Merrill Ranch Community Facility District No. 1 Board.

**Ordinance No. MRCFD1 110-13:**

Mr. Charles A. Montoya, District Manager, read Ordinance No. MRCFD1 110-13 by title only.



**AN ORDINANCE OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE COMMUNITY FACILITIES DISTRICT SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE 2014 (First Reading June 3, 2013, second reading June 17, 2013).**

Mr. Mike Farina, District Treasurer, stated that the ordinance is to adopt a secondary ad valorem property tax levy in an amount of \$3.55 per \$100 of Net Assessed Valuation (NAV) for the Fiscal Year 2013-2014. The total levy consists of \$3.25 per \$100/NAV, estimated at \$435,426 for debt service for General Obligation Bonds and \$0.30 per \$100/NAV, estimated at \$40,193 for operations and maintenance. The total to be levied is \$3.55 per \$100/NAV, or \$475,619.

On motion of Boardmember Walter, seconded by Boardmember Hawkins, and carried to adopt Ordinance No. MRCFD1 110-13.

**MOTION TO ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1 BOARD.**

On motion of Boardmember Walter, seconded by Boardmember Montaña, and carried to adjourn from the Merrill Ranch Community Facility District No. 1 Board.

**MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 BOARD.**

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adjourn to the Merrill Ranch Community Facility District No. 2 Board.

**Ordinance No. MRCFD2 209-13:**

Mr. Charles A. Montoya, District Manager, read Ordinance No. MRCFD2 209-13 by title only

**AN ORDINANCE OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE COMMUNITY FACILITIES DISTRICT SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE 2014 (first reading June 3, 2013, second reading June 17, 2013).**

Mr. Mike Farina, District Treasurer, stated that the ordinance is to adopt a secondary ad valorem property tax levy in the amount of \$3.55 per \$100 NAV for Fiscal Year 2013-2014. The total levy consists of a \$3.25 per \$100/NAV, estimated at \$332,414 for debt

Florence Town Council Meeting Minutes  
July 1, 2013

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service for General Obligation Bonds, and \$0.30 per \$100/NAV, estimated at \$30,684, for operations and maintenance. The total estimated revenue from the levy will be for \$3.55 per \$100/NAV, or \$363,098.

On motion of Boardmember Montaña, seconded by Boardmember Walter, and carried to adopt Ordinance No. MRCFD2 209-13.

## **MOTION TO ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 BOARD.**

On motion of Boardmember Montaña, seconded by Boardmember Smith, and carried to adjourn from the Merrill Ranch Community Facility District No. 2 Board.

## **UNFINISHED BUSINESS**

### **Ordinance No. 596-13:**

Mr. Charles A. Montoya, Town Manager, read Ordinance No. 596-13 by title only.

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE TOWN OF FLORENCE SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR GENERAL MUNICIPAL EXPENSES FOR THE FISCAL YEAR ENDING THE 30<sup>TH</sup> DAY OF JUNE 2014, AND DECLARING AN EMERGENCY. (First Reading June 3, 2013, Second Reading June 17, 2013).**

Mr. Mike Farina, Finance Director, stated that the Town of Florence levies a primary property tax annually. The rate that was levied last year was \$1.0517 per \$100 NAV. The current property tax rate is \$1.0963 per \$100 NAV to raise the same amount of property tax levied last year. The proposed property tax levy for Fiscal Year 2013-2014 is \$814,526 which includes new construction of \$29,456 or 2% increase over the current levy. The rate has increased this year by levying the maximum allowable. The increase is \$2.19 per \$100 of home valuation.

Mr. Farina stated that the Town levies an ad valorem or secondary property tax for the Merrill Ranch Streetlight Improvement Districts No. 1, No. 2, and No. 3. This year, due to an adequate fund balance, there will be no property tax levy.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, to adopt Resolution No. 596-13, declaring an emergency.

Mayor Rankin inquired if the need to increase property tax is due to the lower valuation of property.

Mr. Montoya responded that the increase in property tax due is to the lower valuation of property.

Mayor Rankin would like to see the tax rate below \$1.00.

Roll Call Vote:

Mayor Rankin: Yes

Vice-Mayor Smith: Yes

Councilmember Hawkins: Yes

Councilmember Montaña: Yes

Councilmember Walter: Yes

Councilmember Woolridge: Yes

Motion Carried: Yes: 6; No: 0

**Resolution No. 1403-13:**

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1403-13 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE 2013 – 2023 LAND USE ASSUMPTIONS AND INFRASTRUCTURE IMPROVEMENTS PLAN FOR THE TOWN OF FLORENCE DATED FEBRUARY 28, 2013.**

Mr. Mike Farina, Finance Director, stated that this plan is part of the basis for the calculation of the impact fees. The Town engaged Duncan Associates to conduct a study and develop the plan so that the Town could be in full compliance with the new State Legislation, Senate Bill 1525, regarding impact fees. A draft of the plan has been available for review for several months and was discussed in detail at a Council Work Session in February 2013. It was also discussed during a public hearing on May 20, 2013. The resolution is for adoption of the plan.

Mr. Clancy Mullen, Duncan Associates, stated that they had previously provided a presentation at the workshop and the public hearing.

Mayor Rankin inquired what the probability is of the legislature being changed again this year.

Mr. Mullen stated that he is not aware of any upcoming changes.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1403-13.

**CONSENT: All items indicated by an (\*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.**

**\*Authorization to accept a \$5,000.00 donation to the Florence Police Department Canine program.**

**\*Approval of accepting donations of \$1,500 from National Bank of Arizona, \$1,500 from Johnson Utilities, \$1,000 from Pulte Homes, and \$1,500 from Southwest Value Partners, for a total of \$5,500,for the creation of an economic development marketing brochure.**

**\*Approval of the Special Event Liquor License for the Chamber of Commerce to hold the Annual Casino Night Event on July 27, 2013.**

**\*Approval of the June 3, 2013 and June 17, 2013 Town Council minutes.**

**\*Approval of accepting the register of demands ending May 31, 2013, in the amount of \$1,942,133.12.**

On motion of Councilmember Walter, seconded by Councilmember Montaña, and carried to approve the Consent Agenda, as written.

## **DEPARTMENT REPORTS**

### **Manager's Report**

**Department Reports  
Community Development  
Courts  
Finance  
Fire  
Library  
Parks and Recreation  
Police  
Public Works**

## **CALL TO THE PUBLIC**

There were no public comments.

## **CALL TO THE COUNCIL**

Councilmember Walter thanked the donors who generously gave to the Town for the Canine Program and Economic Development marketing brochure. She invited the public to the Freedom Fest events on July 4, 2013.

Councilmember Montaña stated that there were issues with the garbage cans. He asked those who have issues to contact Right Away Disposal.

Vice-Mayor Smith stated that he is aware that there may be minor issues with the change over of sanitation services. Some residents do not have containers. He asked

that they contact the appropriate personnel to resolve the issues. He said overall RAD did a good job. He added that the Town has advertised the change in sanitation service.

Mayor Rankin reminded everyone to enjoy their July 4<sup>th</sup> events. He said the Coolidge Little League Park is hosting Devon White, who is doing a motivational talk and throwing the first pitch for the Little League.

**ADJOURN TO EXECUTIVE SESSION**

**For the purpose of discussion and consultation with the Town Attorney pursuant to A.R.S. § 38-431.03(A)(4) regarding pending litigation with the Arizona Department of Environmental Quality (ADEQ).**

On motion of Councilmember Montaña, seconded by Councilmember Hawkins, and carried to adjourn to Executive Session.

**ADJOURN FROM EXECUTIVE SESSION**

On motion of Councilmember Walter, seconded by Vice-Mayor Smith, and carried to adjourn from Executive Session.

**ADJOURNMENT**

On motion of Councilmember Walter, seconded by Councilmember Montaña, and carried to adjourn the meeting at 7:00 pm.

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**Tom J. Rankin, Mayor**

**ATTEST:**

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**Lisa Garcia, Town Clerk**

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on July 1, 2013, and that the meeting was duly called to order and that a quorum was present.

---

**Lisa Garcia, Town Clerk**

**TOWN OF FLORENCE  
HISTORIC DISTRICT ADVISORY COMMISSION  
MEETING MINUTES**

**REGULAR MEETING MINUTES OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, FEBRUARY 27, 2013 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Chairman Wheeler called the meeting to order at 6:00 pm.

**ROLL CALL:**

Present: Wheeler, Madden, Smith, Reid, Cochran and Adam.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance lead by Gilbert Olgin, Town Planner.

**OLD BUSINESS**

**CASE HDAC-01-13-DR (HISTORIC MARKER LANGUAGE)**

**PRESENTATION/DISCUSSION/APPROVAL/DISAPPROVAL** on Historic Marker language for the purpose of creating new Historic Markers for the following properties:

- C. D. Henry House
- Rittenhouse/Arriola's Cosmopolitan Store
- Southworth Cleman's House
- Thomas Fulbright Residence

Gilbert Olgin, Town Planner stated that the Community Development Department sets aside money each fiscal year, totaling five thousand dollars to award historic markers to citizens within the Town Historic District who maintain their properties

Commissioner Smith asked if the State Historic Preservation Office(SHPO) has to approve the language of the markers.

Mr. Olgin said no.

Commissioner Smith and Reid commented on the proposed language and history of the C. D. Henry House and suggested corrections to be added to the text.

Mr. Olgin was directed by the Commission to finalize the name of the Rittenhouse/Arriola's Cosmopolitan Store and to add the name Smith to reflect the history of the past. He was also asked to change the history of the building and type of materials that was used and to place more focus on the history of residents and events, not just the architecture or materials of the building.

Commissioner Smith and Reid were not comfortable with the date of the Southworth Clemman's House and suggested further research and to remove the date.

Commissioner Cochran asked staff about the fence that surrounded the property and if it will be an issue to place the plaque on the property?

Mr. Olgin stated that the fence will not be an issue in placing the plaque near the driveway and away from the public right-of-way near the homes entrance.

The Commission directed staff to change the language on the Thomas Fulbright Residence marker from the materials of the building to the history of the people who occupied the home. Commissioners suggested additional resources to gather further information for the history of the residence to be placed on the marker. The Commission also directed staff to finalize addresses and accurate dates on the marker.

On motion by Commissioner Cochran, seconded by Commissioner Smith and carried to approve the Historic Marker language for the purpose of creating new Historic Markers for the following properties:

- C. D. Henry House
- Rittenhouse/Arriola's Cosmopolitan Store
- Southworth Cleman's House
- Thomas Fulbright Residence

#### **STAFF REPORT:**

##### **A. Changes to HDAC Agenda.**

##### **B. Town of Florence National Bank of Arizona status.**

Gilbert Olgin, Town Planner updated the Commission on potential changes to the HDAC Agenda per Commissioners request. Mr. Olgin also updated the status of the National Bank of Arizona construction and Town signage on the site.

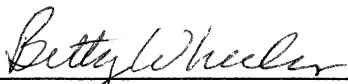
**CALL TO THE PUBLIC/COMMISSION RESPONSE:** Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

Commissioner Smith commented she gave a copy of the Alliance Review for National Commissioners and would like staff to keep the copy for other Commissioners to review. She also stated the Clark House has a chain link fence around the house and sits on Town property.

#### **CALL TO THE COMMISSION**

#### **ADJOURNMENT**

Chairman Wheeler adjourned the meeting at 6:32 pm.

  
\_\_\_\_\_  
Chairman Wheeler



## TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD

**MINUTES FROM THE REGULAR MEETING HELD ON THURSDAY, APRIL 25, 2013  
6:00 P.M. IN THE COUNCIL CHAMBER OF TOWN HALL, LOCATED AT 775 N.  
MAIN STREET, FLORENCE, AZ.**

### CALL TO ORDER

Chairman Revis called the meeting to order at 6:12 p.m.

### ROLL CALL

Present: Don Pinson, Jaclyn Revis, Donald Woolridge (Quorum), and Ruben Montano

Absent: Christine Reeder and Liaison Tara Walter

### DISCUSSION/APPROVAL OF MINUTES OF PAST MEETING ON OCTOBER 25, 2012

On motion by Vice-Chairman Pinson, seconded by Member Woolridge, and carried to approve the minutes of the October 25, 2012 meeting.

### NEW BUSINESS:

**a. Introduction of new recreation staff: Recreation Coordinator John Nixon and Parks Maintenance Foreman Clint Austin**

Mr. Ray Hartzel introduced John Nixon as the new recreation coordinator. Mr. Hartzel also stated that Clint Austin filled the Parks Maintenance Foreman position in November. Member Pinson asked about Mr. Austin's professional background. Mr. Hartzel stated that that Mr. Austin most-recently worked for Florence Unified School District.

**b. Discussion of the resignation of Administrative Assistant Judy Martinez**

Mr. Ray Hartzel announced that Administrative Assistant Judy Martinez submitted her resignation with a tentative last day of May 10, 2013. He stated that he was sad to see her go and that she will be greatly missed. He stated that he will begin interviewing internal candidates soon. Mr. Hartzel stated the skills and qualities needed to fill the position.

**c. Discussion of Town Manager Charles Montoya**

Mr. Ray Hartzel announced that Mr. Charles Montoya was hired in March as the new Town Manager. Mr. Montoya is relocating from Castlerock, Colorado. Mr. Hartzel stated that Mr. Montoya has visited all town departments and seems very supportive of the Parks and Recreation Department.

**d. Discussion of current brochure format**

Mr. Ray Hartzel distributed the 2013 Spring and Summer Activities Brochure to the board members. He asked the board members for suggestions and ideas on changing the format.

**e. Discussion of possible schedule change of Fishing Derby**

Mr. Ray Hartzel explained the background of the "Reel Kids" Fishing Derby and the reason that it is currently held in the evening. He stated that he was considering having the derby on a Saturday instead in the future. He felt that it may increase the participation and the daylight would make it easier to monitor children. He stated that having the event in the day time would allow for a longer event. The fact that it would last longer could possibly increase sponsorship. Mr. Hartzel asked the board member to consider these possibilities and try to think of new ideas.

**PAST AND CURRENT EVENTS**

**a. Update on the hiring of new part-time recreation and summer positions**

Mr. Hartzel stated that he was in the process of interviewing candidates for the summer lifeguard positions. He stated that the Town of Florence would be paying for lifeguard training.

**b. Discussion of upcoming July 4<sup>th</sup> Freedom Fest**

Mr. Hartzel explained that sponsorship packets for July 4<sup>th</sup> Freedom Fest were mailed out recently. The sponsors help pay for entertainment, fireworks, t-shirts, and other needed supplies for the event.

**c. Past and present recreation programs**

Mr. Hartzel discussed the upcoming events from April through July.

## **CALL TO THE PUBLIC/BOARD RESPONSE**

Ms. Ruth Harrison discussed a letter that was published in the local paper today regarding the Tree City, USA Program. Ms. Harrison questioned the eligibility of the program based on the Tree City, USA requirements. Mr. Hartzel stated that we have met the requirements, but would be willing to discuss this further with Ms. Harrison.

## **CALL TO THE BOARD**

Member Woolridge inquired about a boxing program. Mr. Hartzel stated that he would consider the affordability and liability of having such a program.

## **ADJOURNMENT**

On motion made by Vice-Chairman Pinson, seconded by Member Woolridge, and carried to adjourn the meeting at 6:57 p.m.

Approved:



Jacklyn Revis, Chairman

**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MEETING MINUTES**

REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, MARCH 7, 2013 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

**CALL TO ORDER**

Chairman Wooley called the meeting to order at 6 pm.

**ROLL CALL:**

Present: Wooley, Putrick, and Anderson.

Absent: Reed and Petty.

**PLEDGE OF ALLEGIANCE**

**NEW BUSINESS**

**CASE PZC-09-13-DR  
(AMAZING RC HOBBIES)**

**PRESENTATION/APPROVAL/DISAPPROVAL** of a Design Review application for Amazing RC Hobbies located at 375 E. Butte Avenue in Florence, Arizona.

Heath Reed, Senior Planner stated that Amazing RC Hobbies is located in Florence's business district at 375 E. Butte Ave. The applicant has made significant upgrades to the building that also houses the Old West Bail Bonds, which was approved by the Commission in 2009. The building is divided for these uses, which are permitted in the Neighborhood Office (NO) Zoning District.

The applicant is applying for wall signs for his business on the north and east faces of the building. The signs meet code requirements. Staff finds that the application is in compliance with applicable Town Codes. Therefore, staff hereby recommends approval PZC-09-13-DR, subject to the following conditions:

1. Construction of signage shall conform to the exhibits presented on March 7, 2013, as may be amended by the conditions of approval.

2. Design Review approval shall expire in one (1) year from this approval (March 7, 2013) if a building permit is not issued for the subject site/project within said period.
3. Signage shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.
4. Any additional conditions deemed necessary by the Planning and Zoning Commission.

Chairman Wooley asked if this sign is replacing the existing business signs on the property?

Heath Reed responded, no sir. There are two separate businesses at this location, two separate units within this building.

Chairman Wooley, does his property square footage meet the Town Code requirements for additional signage?

Gilbert Olgin, Town Planner said Yes.

Chairman Wooley, is this a daytime sign only, or will the sign be illuminated at night time?

Gilbert Olgin stated, as of tonight, the applicant has not presented options for lighting the sign.

Chairman Wooley asked the applicant if they have read and agree to staff's conditions?

Applicant Ronald Escott stated yes and that he agreed with the conditions.

On motion of Commissioner Petty, seconded by Commissioner Anderson and carried to approve a Design Review application for Amazing RC Hobbies located at 375 E. Butte Ave in Florence, Arizona.

#### **CALL TO THE PUBLIC/ COMMISSION RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.

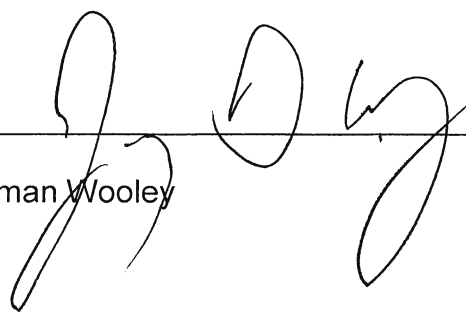
**CALL TO THE COMMISSION**

**ADJOURNMENT**

Chairman Wooley adjourned the meeting adjourned at 6:12 pm.

X \_\_\_\_\_

Chairman Wooley

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over the signature line.

**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MEETING MINUTES**

REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, APRIL 4, 2013 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

**CALL TO ORDER**

Commissioner Petty called the meeting to order at 6 pm.

**ROLL CALL:**

Present: Petty, Anderson, and Reed.

Absent: Wooley and Putrick.

**PLEDGE OF ALLEGIANCE**

**DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the regular meeting conducted December 6, 2012.

On motion of Commissioner Anderson, seconded by Commissioner Reed and carried to approve the meeting minutes of December 6, 2012.

**NEW BUSINESS**

**CASE PZC-10-13-DR  
(HERITAGE FLORENCE FUNERAL HOME)**

**PRESENTATION/APPROVAL/DISAPPROVAL** of a Design Review application for the proposed signage for Heritage Florence Funeral Home located at northwest corner of 8<sup>th</sup> Street and North Park Street in Florence, Arizona.

Heath Reed, Senior Planner stated that the Heritage Florence Funeral Home is located at 360 N. Park Street. The property is zoned NO (Neighborhood Office). The funeral home provides funeral services to the local and surrounding community and has done so either privately or as a county facility for many years.

The applicant has met with staff and submitted an application for Design Review for a monument sign located on the south end of his property, facing 8<sup>th</sup> street. The full monument cabinet has two portions to it, the top of the sign where the signage will be placed and the skirt/bottom of the sign that will be the foundation of the sign and have a solid material. The sign is eight feet in height, eight feet in width and will blend into the building's architecture. The signage will be illuminated at night and staff finds that the request is in compliance with applicable Town Codes. Therefore, staff recommends approval of the Design Review application for PZC-10-13-DR, subject to the following conditions:

1. Construction of signage shall conform to the exhibits presented on April 4, 2013 and as may be amended by the conditions of approval.
2. Design Review approval shall expire in one (1) year from this approval (April 4, 2013) if a building permit is not issued for the subject site/project within said period.
3. Signage shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.

Commissioner Anderson asked, will the sign will be illuminated at night time?

Gilbert Olgin, Town Planner responded, yes.

Commissioner Petty asked the applicant if they have read and are aware of staff's conditions.

The applicant Isabel Hornbeck responded, yes.

On motion of Commissioner Anderson, seconded by Commissioner Reed and carried to approve a Design Review application the proposed signage for Heritage Florence Funeral Home located at northwest corner of 8<sup>th</sup> Street and Park Street in Florence, Arizona.

#### **CALL TO THE PUBLIC/ COMMISSION RESPONSE:**

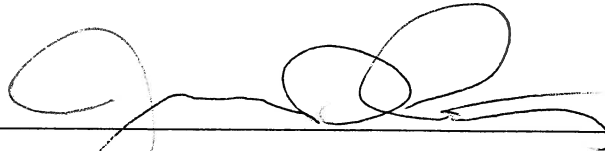
Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.


#### **CALL TO THE COMMISSION**

#### **ADJOURNMENT**



Meeting adjourned at 6:07 pm.

X   
Commissioner Petty

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 10a.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Community Development  <b>STAFF PRESENTER:</b> Mark Eckhoff, AICP Community Development Director  <b>SUBJECT:</b> Ordinance 599-13: Merrill Ranch PUD Amendment (PZC-35-12-PUD)		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input checked="" type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1 <sup>st</sup> Reading <input checked="" type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Ordinance No. 599-13 for the Merrill Ranch PUD Amendment.

**BACKGROUND/DISCUSSION:**

This is a request by Jared Baxter, P.E., of the Baxter Design Group, LLC, on behalf of SWVP-GTIS MR, LLC, for approval of the following:

An Amendment to a portion of the Merrill Ranch Planned Unit Development (PUD). The Amendment proposes to change the land uses for portion of the PUD that is generally located at the northwest and northeast corners of Hunt Highway and Felix Road in Florence, Arizona. The intent of this PUD Amendment is to replace a portion of the concentrated commercial, retail, employment and mixed land uses planned for the subject area with single-family detached residential uses consistent with the adjacent neighborhoods of the Anthem at Merrill Ranch development.

In 2000, planning for areas to the southeast of Magic Ranch, Rancho Sendero and Johnson Ranch began. The result of that planning effort was the previously approved Road Runner Estates Planned Area Development (PAD in Pinal County). The Road Runner Estates PAD was superseded by the Merrill Ranch North Village administrative PUD Amendment approved by Town Council in July of 2005. Merrill Ranch was envisioned to provide diverse housing options for this rapidly developing area of Pinal County. The primarily residential community was designed to be a conventional neighborhood-based development centered on a network of open spaces, traditional parks and abundant neighborhood amenities.

The project continued to evolve and another amendment was approved in 2007. The Merrill Ranch Planned Unit Development still had a strong residential focus, but additional attention was provided towards future commercial, employment

and mixed use development opportunities. Some of which was anticipated because of the projected future alignment of a planned North-South Freeway.

Then the majority of the country experienced what seemed to be an endless recession that caused a decline in the housing market. As with most residential projects, the Florence housing market lost steam and opportunity soon turned into financial ruin for most housing companies. Finally, in late 2009, WHM Merrill Ranch Investments, LLC, lost the majority of its interest in the property designated as Merrill Ranch. Through the foreclosure process WHM Merrill Ranch Investments, LLC, retained approximately 112 acres directly east of the subject property. The remainder of the property was acquired by two separate owners. The overall land area of Merrill Ranch Development is separated into three major parcels. The third owner of land within this PUD is currently Curis Resources, Inc. (AZ).

This amendment proposes to change the land uses for approximately 401 gross acre of land in this PUD that is generally located at the northwest and northeast corners of Hunt Highway and Felix Road. The intent of this PUD Amendment is to redesignate a portion of the concentrated commercial, retail, employment and mixed land uses planned for the subject area with single-family detached residential uses consistent with the adjacent neighborhoods of the Anthem at Merrill Ranch development.

### **ANALYSIS:**

Currently, the subject area of the Merrill Ranch PUD is entitled for commercial and employment mixed uses. Again, plans in 2006-2007 projected this area to be in close proximity to the future freeway corridor, thus a large amount of commercially zoned property was justified and needed to provide the employment opportunities for surrounding communities.

With the most probable future North-South Freeway alignment being moved to the east of this area and with the substantial changes in the development markets over the past few years, the owners are ready to make changes to this plan. Once the Arizona Department of Transportation finalizes the alignment of the future North-South Freeway, staff anticipates the property owner amending the PUD once again in the area of the a potential transportation corridor to take advantage of the various commercial and higher intensity land uses that logically fit near major transportation corridors and interchanges.

In the adjacent Anthem at Merrill Ranch community, Pulte Group is having success in home sales in the single-family residential housing market. As discussed, the currently planned commercial land use of the subject area directly adjacent to existing residential subdivisions is no longer the highest and best use. Changing the land use from commercial to residential is consistent with the factors described in this report, more reflective of market needs and improves

compatibility of adjacent land uses. With this proposed PUD amendment, portions of the current area designated for commercial use will be revised to allow differing residential development opportunities.

This Amendment to the Merrill Ranch PUD would allow for the following:

- A portion of the property (approximately 401 acres) to be rezoned to R-1 single family residential zone (MR PUD Low Density-LD).
- Reduce the amount of non-residential planned land at the north corners of the Hunt Highway and Felix Road intersection.
- Create opportunities to reallocate the non-residential land uses along the future alignment or interchanges of the planned North-South Freeway.
- Incorporate neighboring minor and major collectors to provide better connectivity to existing collectors and arterials within the Anthem at Merrill Ranch Community.
- Provide an opportunity for new subdivisions and rooftops in an area that as the appropriate infrastructure to support such.

## GENERAL PLAN

The subject site's proposed uses and PUD Zoning are consistent with the Town of Florence 2020 General Plan. The subject site retains the General Plan designation of Master Planned Community (MPC). The MPC category is provided on the General Plan Land Future Use Map to better accommodate the various types of residential, commercial and office uses that may occur within large master planned communities.

## PROPOSED/EXISTING LAND USES

This PUD Amendment proposes to move existing residential land use into the subject area and therefore the impact to the area should be minimal. The area is surrounded by the Anthem at Merrill Ranch community, which consists of mostly residential land uses and open spaces. A local commercial area is retained along the adjacent Hunt Highway frontage.

## RESIDENTIAL COMPONENT

Residential uses within the Merrill Ranch PUD development focus on a few types of housing options. The lots types and densities were established by the current PUD and are not being modified with this Amendment. The diversity of housing products and market points offers options for a variety of home purchasers and will make for a well-rounded community.

Architectural styles will vary with the builder and the size of home. It is envisioned that the master developer will help determine the character of the homes being built in Merrill Ranch PUD. Builders will be encouraged to offer street-facing porches or patios, a variety of options to individualize the homes, color variety and low-water-use front yard designs.

The design requirements and guidelines with respect to the proposed zoning revisions have been established in the approved Merrill Ranch PUD approved in 2007. With this rezoning proposal, SWVP-GTIS MR, LLC, will follow all approved development requirements and guidelines in the proposed PUD amended area.

#### PARKS AND OPEN SPACE COMPONENT

The Merrill Ranch project will provide residents with a quality living environment as well as a range of self-contained recreational activities. The developer/owner will work with Town staff to appropriately locate and design community parks within the development that can be utilized by the public where said parks are planned to be dedicated to the Town.

The Parks and Open Space requirements and guidelines with respect to the proposed zoning revisions have been established in the approved Merrill Ranch PUD approved in 2007. With this rezoning proposal, SWVP-GTIS MR, LLC, will follow all approved development requirements and guidelines in the proposed PUD amended area.

#### COMMERCIAL COMPONENT

This Amendment highlights the conveniently located commercial areas along the northwest and northeast corners of Hunt Highway and Felix Road, which allows for direct arterial access and buffering of land uses. The 2007 PUD shows that there are other commercial areas within Merrill Ranch as well.

Development on the commercial sites will occur based on the rate of surrounding growth and market demand. The types of end users may vary, but it is expected that the following types of community-oriented businesses could occupy the commercial site: grocery store, drug store, restaurants, and other appropriate retail, office, and service uses allowable in the Merrill Ranch PUD and as supported by the size and scale of the subject parcel. Commercial areas are needed as the Town grows and as discussed in the Town's General Plan. The project's proposed commercial aspect is an important component of the plan that provides for future employment and shopping opportunities. All development of the commercial sites will be subject to the Town's Design Review process to ensure high quality site planning and architectural standards.

## WATER AND SEWER

Potable water for Merrill Ranch Community will be provided by Johnson Utilities (JU). The Town of Florence previously authorized Johnson Utilities to expand its respective service area to include the project area from Felix Road to the western boundary of the project site. JU is in the process of obtaining governmental approval of this service area expansion. It is anticipated that they will receive approval soon. Upon approval, JU will provide service to the area west of Felix Road.

A water master plan report and plans, meeting the approval of the Town Engineer, are required prior to the approval of Final Plats for this development. If required, this PUD shall permit the placement of the necessary water infrastructure, including, but not limited to water mains, wells, pumps and water storage facilities within the project.

## TRANSPORTATION

The transportation and circulation plan will be developed consistently with recommendations from the Community Development Director and Town Engineer. Required improvements, as well as any potential phasing of required improvements, shall be further determined upon the review of detailed construction plans for the subject site.

As part of the development of this area, a network of roadways will be established to serve the transportation needs of the area. Specifically, a collector road will be assigned to provide connectivity from the Anthem at Merrill Ranch development in the north and continue to provide access to Felix Road to the east. This collector road along with its landscape and drainage areas will help provide a desired buffer between the proposed residential and commercial development.

The Circulation and Street Improvements requirements with respect to the proposed zoning revisions have been established in the approved Merrill Ranch PUD approved in 2007. With this rezoning proposal, SWVP-GTIS MR, LLC, will follow all approved development requirements and guidelines in the proposed PUD amended area.

## **FINANCIAL IMPACT:**

Staff contends that this Amendment would have a positive financial impact on the Town as the change facilitates the ongoing development of single-family homes and the added rooftops and population will support future non-residential development, including regional employment and commercial centers, which are expected to develop in areas with access to the future ADOT North-South freeway alignment. Substantial employment and commercial land is retained

along the Hunt Highway corridor for development that is less contingent upon the development of the future freeway.

**RECOMMENDATION:**

The Planning and Zoning Commission found that the proposed Merrill Ranch PUD Amendment request to change the land uses for a portion of the Merrill Ranch PUD is in compliance with the Town's General Plan and is in the interest of general welfare, health and safety of the public. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation on the Merrill Ranch PUD Amendment to the Mayor and Town Council, subject to the following conditions:

1. The development of the subject site shall be in conformance with the Merrill Ranch amended Planned Unit Development (PUD) book dated July 2007, as well as this Amendment to the PUD dated May 22, 2013, any applicable Development Agreements, Town codes and ordinances.
2. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. § 2-1134] pursuant to the waivers attached hereto as Exhibit B.
3. The rear yard setback for the residential areas shall be reduced from 20' to 15' in the Merrill Ranch PUD area.
4. Any additional conditions deemed necessary by the Town Council.

Public Hearing and First Reading was done on August 5, 2013.

On August 19, 2013, motion to adopt Ordinance No. 599-13 for the Merrill Ranch PUD Amendment.

**ATTACHMENTS:**

Ordinance No. 599-13  
Application  
Exhibit A Legal Description  
Exhibit B 207 Waiver  
Public Hearing Notice  
Merrill Ranch PUD Amendment Book

**ORDINANCE NO. 599-13**

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AN AMENDMENT TO THE MERRILL RANCH PLANNED UNIT DEVELOPMENT (PZC-35-12-PUD).**

**WHEREAS**, a request to amend the Merrill Ranch Planned Unit Development has been proposed and a public hearing has been held by the Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission has found the Merrill Ranch Planned Unit Development Amendment is in conformance with the Town's General Plan; and

**WHEREAS**, the Planning and Zoning Commission has forwarded the Mayor and Council of the Town of Florence a favorable recommendation for the Merrill Ranch Planned Unit Development Amendment, subject to certain conditions; and

**WHEREAS**, said proposal has been considered by the Mayor and Council of the Town of Florence and the recommended Merrill Ranch Planned Unit Development Amendment has been found to be appropriate and further found to promote the health, safety and welfare of the residents of the Town and its orderly growth.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

The Merrill Ranch Planned Unit Development Amendment, as described in EXHIBIT A attached hereto, is hereby approved, subject to the following conditions:

1. The development of the subject site shall be in conformance with the Merrill Ranch amended Planned Unit Development (PUD) book dated July 2007, as well as this Amendment to the PUD dated May 22, 2013, any applicable Development Agreements, Town codes and ordinances.
2. Property Owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. § 12-1134] pursuant to the waivers attached hereto as Exhibit B.
3. The rear yard setback for the residential areas shall be reduced from 20' to 15'.



**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 19<sup>th</sup> day of August 2013.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
James E. Mannato, Town Attorney




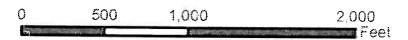
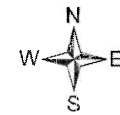
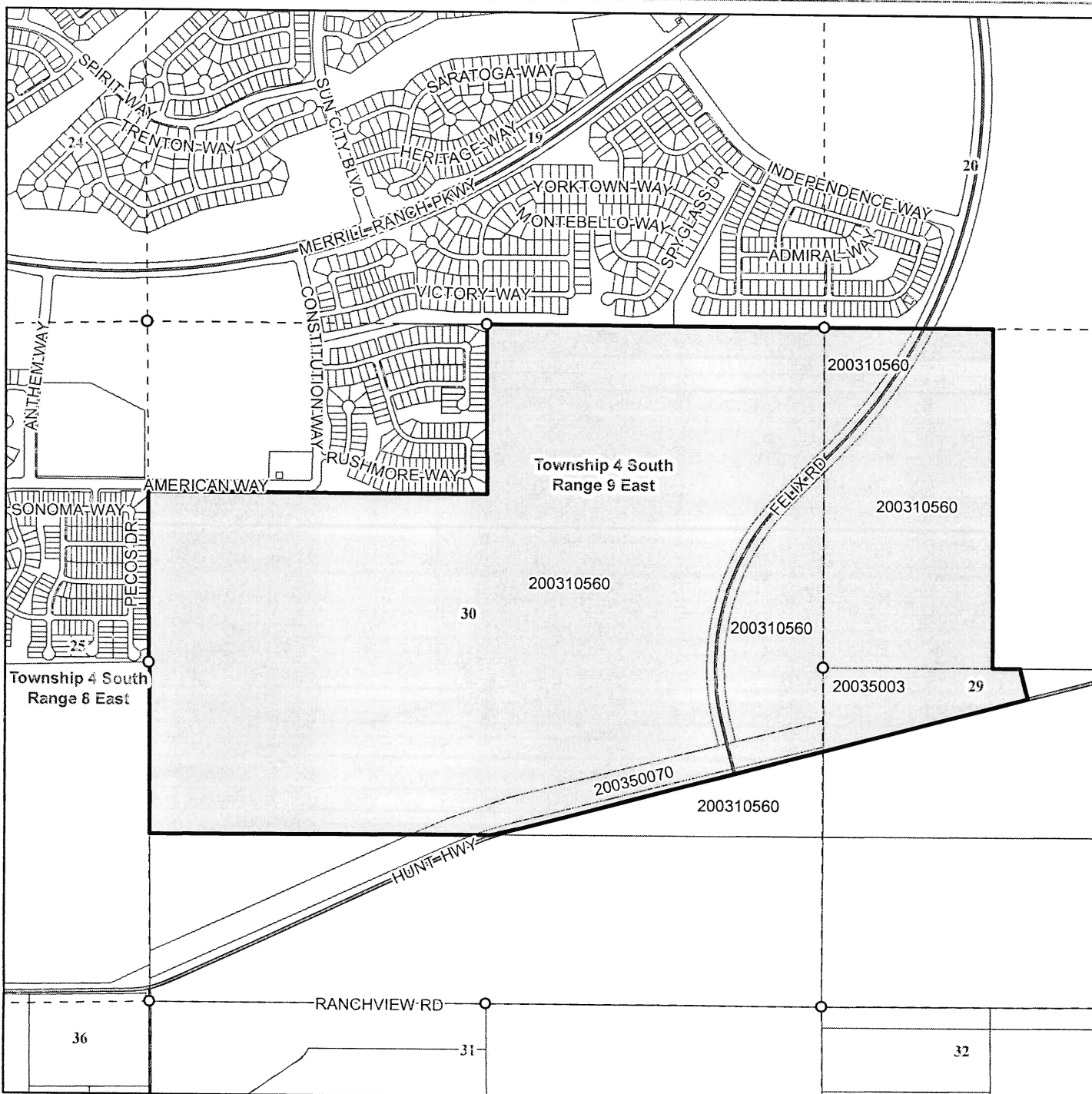
# EXHIBIT A

## Town of Florence



### Merrill Ranch PUD Amendment Boundary

 Amended PUD Parcel



This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of the PUD Amendment Application PZC-35-12-PUD. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the PUD Amendment Application PZC-35-12-PUD ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the PUD Amendment Application PZC-35-12-PUD. Except as expressly set forth in the PUD Amendment Application PZC-35-12-PUD and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

Dated this 30<sup>th</sup> day of April, 2013

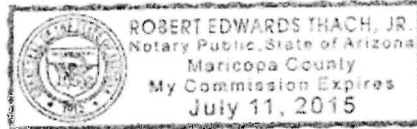
Owner:

By: JUSTIN MERRITT  
Print Name

[Signature]  
Signature

Its: Authorized Representative  
Title

(Notary)



[Signature]  
MY COMMISSION  
EXPIRES: 7.11.2015

## NOTICE OF PUBLIC HEARING FLORENCE TOWN COUNCIL

Notice is hereby given that the Florence Town Council will hold a Public Hearing on Monday, August 5, 2013 at 6:00 PM at Florence Town Hall located at 775 N. Main Street, Florence, Arizona, 85132 to discuss the following application:

**PZC-35-12-PUD. Public Hearing.** A request by Jared Baxter, P.E. of the Baxter Design Group, LLC on behalf of SWVP-GTIS MR, LLC for an Amendment to a portion of the Merrill Ranch Planned Unit Development (PUD). The Amendment proposes to change the land uses on a portion of the PUD that is generally located at the northwest and northeast corners of Hunt Highway and Felix Road in Florence, Arizona. The intent of this PUD Amendment is to replace a portion of the concentrated commercial, retail, employment and mixed land uses planned for the subject area with single-family detached residential uses consistent with the adjacent neighborhoods of the Anthem at Merrill Ranch development.

Additional information on the above case, including a complete legal description, can be obtained Monday thru Friday from 8 AM to 5 PM at the Town of Florence Community Development Department located at 600 N. Main Street, Florence, Arizona 85132 or please call (520) 868-7542.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the Town of Florence does not discriminate on the basis of disability regarding admission to public meetings. Persons with a disability may request reasonable accommodations by contacting the Town of Florence ADA Coordinator at (520) 868-7574 or (520) 868-7502 TDD. Requests should be made as early as possible to allow time to arrange the accommodation.

No. of publications: One; date of publication: July 18, 2013.

# Merrill Ranch

MASTER DEVELOPMENT PLAN – PUD AMENDMENT

MAY 22, 2013



## Merrill Ranch

Prepared For:

**SWVP-GTIS MR, LLC**

7600 E. Doubletree Ranch Rd. Ste 130

Scottsdale, AZ 85250

(480) 766-6763

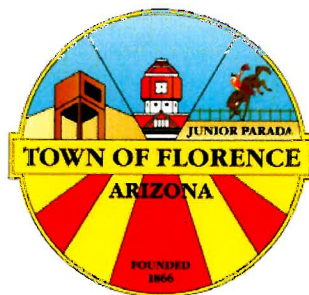
Prepared By:

**Baxter Design Group, LLC**

7580 N. Dobson Rd. Suite #200

Scottsdale, AZ 85256

(480) 818-6001



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# MERRILL RANCH

## PLANNED UNIT DEVELOPMENT (AMENDMENT)

### 1. Purpose of Request

This request relates to a proposed land use revision within a portion of the Merrill Ranch Planned Unit Development (PUD). Emerging housing market trends have caused the majority land owner, SWVP-GTIS MR, LLC (SWVP), to reevaluate the current land uses within the subject area of the approved Merrill Ranch PUD. SWVP is requesting a modification/transfer of land uses within the approved Merrill Ranch PUD. This change/transfer of land uses and densities was anticipated and is accounted for in the approved Merrill Ranch PUD.

The specific area that is to be addressed is the portion of the property located north of Hunt Highway, south and west of the Anthem at Merrill Ranch development and east of the WHM Merrill Ranch Investment, LLC land holdings. (See Exhibit I-1) This request does not amend any other portions of Merrill Ranch, though subsequent amendments are expected with a project of this magnitude.

#### 1.1 Project History

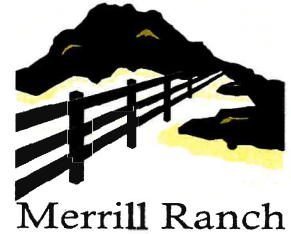
In 2000, planning for the areas to the east of Magic Ranch, Rancho Sendero and Johnson Ranch began. The result of this planning effort was the previously approved Road Runner Estates PAD. The Road Runner Estates PAD was superseded by the Merrill Ranch PUD (submitted and approved in 2003), which was subsequently superseded by the Merrill Ranch North Village administrative PUD Amendment approved by staff in 2005. A revised Merrill Ranch PUD booklet was approved by the Mayor and Council of the Town of Florence in 2007.

In 2009-2010, with the decline in the Phoenix area housing market, WHM Merrill Ranch Investments, LLC lost the majority of its interest in the property designated as Merrill Ranch. Through the bankruptcy process WHM Merrill Ranch Investments, LLC retained approximately 112 acres directly east of the subject property. (see Exhibit III-1) The remainder property was acquired by two (2) separate owners. The overall land area of the Merrill Ranch Development is separated into three (3) overall parcels. (see Exhibit I-2) A portion of Parcel 2 was acquired by U1 Resources, which is owned by Curis Resources (AZ), Inc. The majority of Parcel 1, the remainder of Parcel 2 and Parcel 3 of the overall described project was acquired by SWVP-GTIS MR, LLC.

#### 1.2 Existing and Proposed Land Uses

The land use for the area affected by the proposed PUD amendment is currently zoned as CE-M (Commercial / Employment – Mixed Use) and CE-R ( Commercial / Employment – Retail Zone) land uses. (see Exhibit I-3) The vision of a major retail-shopping center at this location required a massive amount of residential development in the region. During the housing boom of 2004-2007 it appeared that this amount of residential development was attainable in the near future. With the downturn of the housing developments in the area, from 2008-2012, it became evident that the velocity





of residential development would not reach the desired goal. In addition to the slowing of the housing development, ADOT has come forward with initial planning efforts of a North-South freeway corridor. The location of the proposed corridor presents more logical/desirable locations for commercial development. As such, SWVP is requesting that a portion of the commercial zoned land use area be rezoned to allow R-1 Singled Family Residential development.

### **1.3 Details of the Proposed Land Use Revisions**

A detailed view of the existing land uses for the proposed area is shown in Exhibit II-1. The proposed changes are more specifically described as follows:

Parcels 5, 7, and 10 which were previously approved for CE-R Commercial-Employment / Retail land uses are proposed to have their land use changed to permit R-1 Single Family Residential development. Parcels 13 and 14 are approved for CE-R Commercial-Employment / Retail land uses will have their respective areas reduced (See Exhibit II-2)

Parcels 6, 8, 9, 11 and 12 which were previously approved for CE-M Commercial-Employment / Mixed Use land use are proposed to have their land use changed to permit R-1 Single Family Residential development. (See Exhibit II-2)

The CE-R, and CE-M areas and densities removed with the proposed change to R-1 will be held in reserve. It is anticipated that this CE area and density will be applied to a future designated area(s).

### **1.4 Justification of Land Use Revisions**

Over the past several years, the Town of Florence along with the land/stakeholders in the area, have worked closely with the Arizona Department of Transportation to establish a future freeway corridor that would facilitate access to the area from US Highway 60 and Interstate 10. The Town's preferred corridor that is being investigated and studied is currently located on the northern and eastern boundary of the existing Merrill Ranch PUD. Freeway Interchanges and/or transportation hubs are likely to be located somewhere along this proposed corridor near the boundary of the existing Merrill Ranch PUD. It is anticipated that arterial roadways for the Merrill Ranch Development would be designed to provide access to the proposed freeway corridor. Once a corridor alignment is approved, SWVP plans on rezoning residential locations in the area of the corridor and interchanges to various commercial and higher intensity land uses that logically fit near major transportation corridors and interchanges.

In the adjacent Anthem at Merrill Ranch community, Pulte Group, has developed or is in the process of developing single family residential housing that is directly adjacent to the subject land area. The currently planned commercial land use of the area directly adjacent to existing residential subdivisions is no longer the highest and best use. Revising the land use from commercial to residential is a compatible use next to existing residential development. With this proposed PUD amendment, parts of the current area designated for commercial use will be revised to allow differing residential development opportunities. This change is a logical fit with the existing uses of the neighboring property (Anthem at Merrill Ranch).



Merrill Ranch

While it is not uncommon to locate residential next to commercial development, this should only occur with proper planning. Natural barriers such as washes and open spaces should be planned and designed to act as buffering agents between the two differing land uses. The proposed land use revision provides a more adequate interface of the commercial/residential land uses. With the proposed land uses, a buffer between the commercial and residential areas will be obtained by either natural washes, open spaces, drainage areas, or by collector roadways with adequate landscape areas.

While the intersection of Felix Road and Hunt Highway is still a very logical commercial area, it doesn't represent a viable opportunity for the amount of commercial acreage currently zoned at this time. It is proposed that a proportionate amount of area currently zoned for commercial use be reserved in this area to provide a logical commercial opportunity that represent that velocity that residential development is occurring at this time.

The proposed land use revisions to the area also provide an opportunity for additional homebuilders to enter the Florence building market. Most master planned communities such as the Anthem at Merrill Ranch community attract many different homebuilders. These differing builders will provide different business models and housing products than what currently exists in the area. With these differing models a wider breadth of potential home buyers will be attracted to the area thereby increasing the velocity that residential development will occur in the Town of Florence.

Finally, the proposed land use revisions will allow for an expansion of the residential core area already developed in the Anthem at Merrill Ranch Community. This will provided connectivity between developments areas that differs from the present model that has vast amounts of undeveloped areas in between residential cores.

## **2. Relationship to Surrounding Properties**

The proposed area is within the boundary of the approve Merrill Ranch Master Planned Community (MPC). The Merrill Ranch MPC is directly south and east of the Anthem at Merrill Ranch MPC that is currently under development. The property is also directly north of the Montera MCP. Both the Anthem at Merrill Ranch and Montera development areas are planned with conforming uses that do not conflict with the proposed land use revisions. (See Exhibit I-1)

## **3. Relationship to Town of Florence Land Use Plan**

The prosed area is located within the boundary of the approved Merrill Ranch MPC. This location follows the planning efforts depicted in the Town of Florence General Plan (see Exhibit I-4).

## **4. Design Requirements and Guidelines**

The design requirements and guidelines with respect to the proposed zoning revisions have been established in the approved Merrill Ranch PUD approved in 2007. With this rezoning proposal, SWVP will follow all approved development requirements and guidelines in the proposed PUD amended area.



Merrill Ranch

## 5. Public Services

### 5.1 Police and Fire

Police and Fire protection services for the proposed area will be provided by the Town of Florence Police and Fire Departments.

Currently Fire services are provided by the Anthem temporary Fire Facility located North and adjacent to the project area. It's understood that a permanent fire/police facility is currently under design/construction on the Town of Florence Community Parcel located on Hunt Highway. It's anticipated that this facility will provide the future services for the project area. Also to be noted, future police/fire stations service sites have been anticipated and located as part of the approved Merrill Ranch PUD. These sites will be developed as future development occurs to the east side of the Copper Basin Railroad tracks.

### 5.2 Schools

The Florence Unified Schools District serves the proposed development area. The following schools will provide service to the proposed rezoning area.

- Anthem K-8 School (Grades K-8) – 2700 N. Anthem Way
- Florence High School (Grades 9-12) - 100 S. Main Street
- ALA Charter School (Grades K-8) – Under Construction in Anthem at Merrill Ranch

### 5.3 Medical Service

Emergency Medical services are available at the Florence Hospital at Anthem located on Hunt Highway. Medical services are also facilitated by the Town of Florence Fire Department along with South West Ambulance.

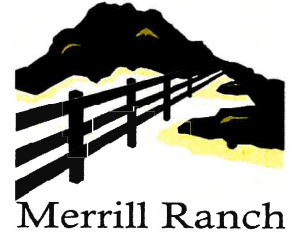
## 6. Circulation and Street Improvements

As part of the development of this area, a network of roadways will be established to serve the transportation needs of the area. Specifically, a collector road will be designed to provide connectivity from the Anthem at Merrill Ranch development in the north and continue to provide access to Felix Road to the east. This collector road along with its landscape and drainage areas will help provide a desired buffer between the proposed residential and commercial development.

Circulation and Street improvement guidelines and design requirements for the area have been established in the approved Merrill Ranch PUD. All requirements will be followed in the development of the proposed PUD amended area. Improvements will be consistent with those provided for with Anthem at Merrill Ranch.

## 7. Utilities

Currently the proposed area is undeveloped. Both wet and dry utilities are located adjacent to the development area. The service of each of these utilities will be extended into the project to serve the development goals. Maintenance and operation of the utilities will be managed by the respective service provider. All services will be designed and installed per the appropriate agency's guidelines and follow the Town of Florence regulations applicable to the construction and maintenance of various facilities.



### **7.1 Water & Sewer**

Currently the project area is in the Town of Florence water and sewer service area. The Town of Florence has recently agreed to allow Johnson Utilities to expand its respective service area to include the project area from Felix Road to the western boundary of the project site. Johnson Utilities is in the process of obtaining governmental approval of this service area expansion. It is anticipated that they will receive this approval in June of 2013. Upon approval Johnson Utilities will provide service to the area west of Felix Road.

Water for this development area will be provided by Johnson Utilities by the existing network of wells, tanks, booster pumps and distribution lines that serve the Anthem at Merrill Ranch Development. Sewer service in this area will be delivered to the Anthem Waste Water Reclamation Facility through a designed network of gravity and force main sewer trunk lines and lift station(s).

The Town of Florence will provide water and sewer service to the area East of Felix Road. The water service will be provided by a network of water wells, tanks, booster pumps and distribution lines that will be developed in cooperation with the Town of Florence. The sewer service in this area will flow to the future Merrill Ranch waste water treatment plant that is currently proposed to be located South of Hunt Highway near the Gila River.

### **7.2 Electrical Power**

Electrical Service will be provided by Arizona Public Service (APS). APS currently provides service to all the incorporated areas of the Town of Florence.

### **7.3 Natural Gas**

Southwest Gas Corporation will provided natural gas to the project area. Currently Southwest Gas has facilities adjacent to the project area.

### **7.4 Communications**

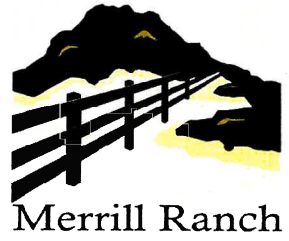
Telephone service for the project will be provided by Centurylink. Other local providers may also offer telephone, cable, and internet services to the area at their discretion.

### **7.5 Sanitation**

Trash and waste disposal for the project area will be provided by the Town of Florence. It's understood that the Town of Florence has entered into a contract with Right Away Disposal to provide trash and recycling services, under directions of the town, to the subject area.

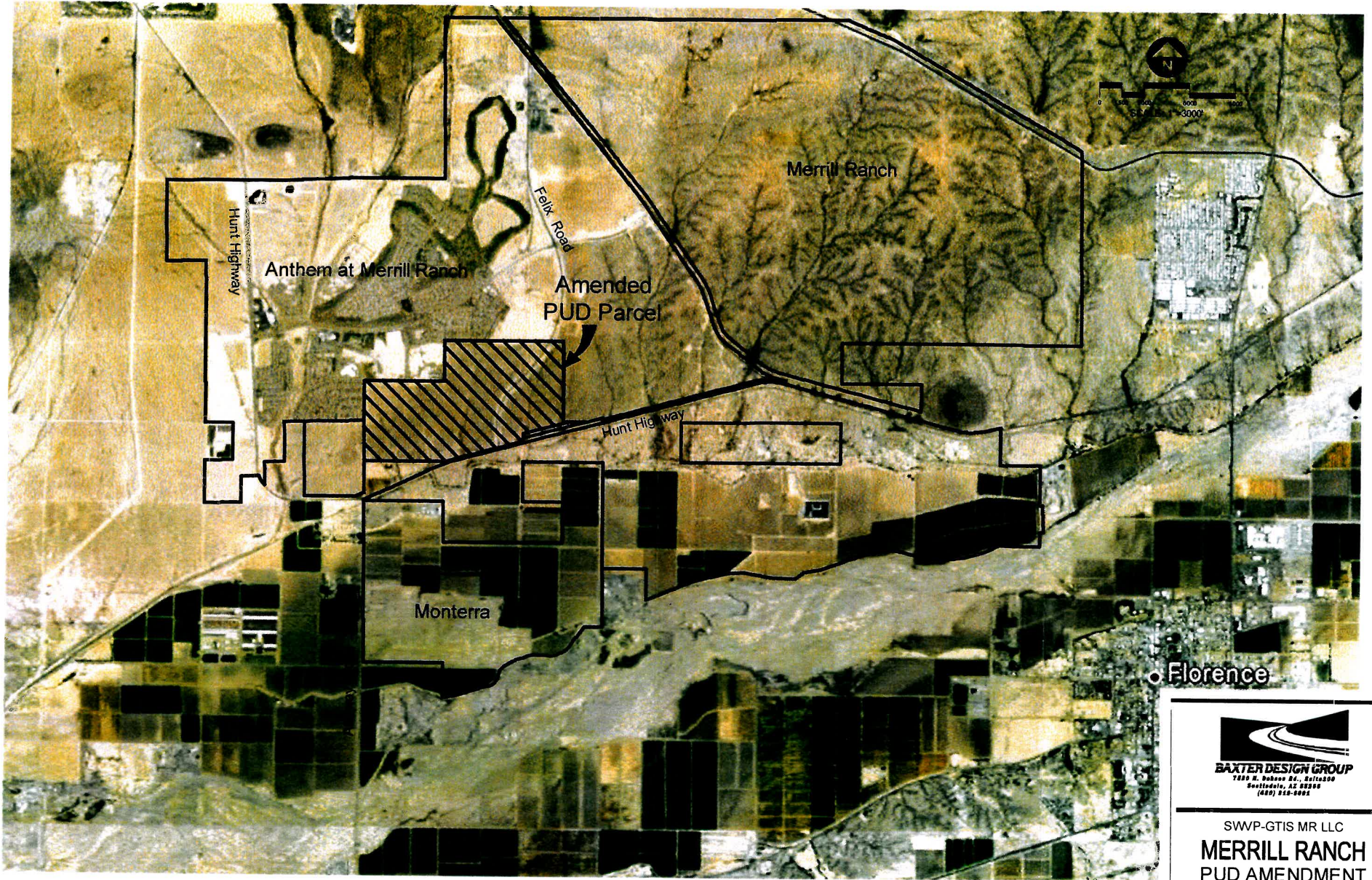

## **8. Intent and Use of Amended PUD**

This amendment to the Merrill Ranch PUD in not intended to replace the Merrill Ranch PUD approved 2007. Rather, this amendment will act as an update to specific land uses as provided in the approved PUD. All Design Guidelines, Development Requirements and Standards remain in force with the approved PUD.



## Regional Location Map

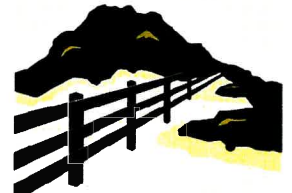
Exhibit I-1

**BAXTER DESIGN GROUP**  
 7415 N. Dobson Rd., Suite 200  
 Scottsdale, AZ 85258  
 (480) 958-0008

---

SWP-GTIS MR LLC  
**MERRILL RANCH**  
 PUD AMENDMENT  
 AERIAL VICINITY MAP  
 FLORENCE, AZ



Merrill Ranch

## MR Overall Parcels

Exhibit I-2

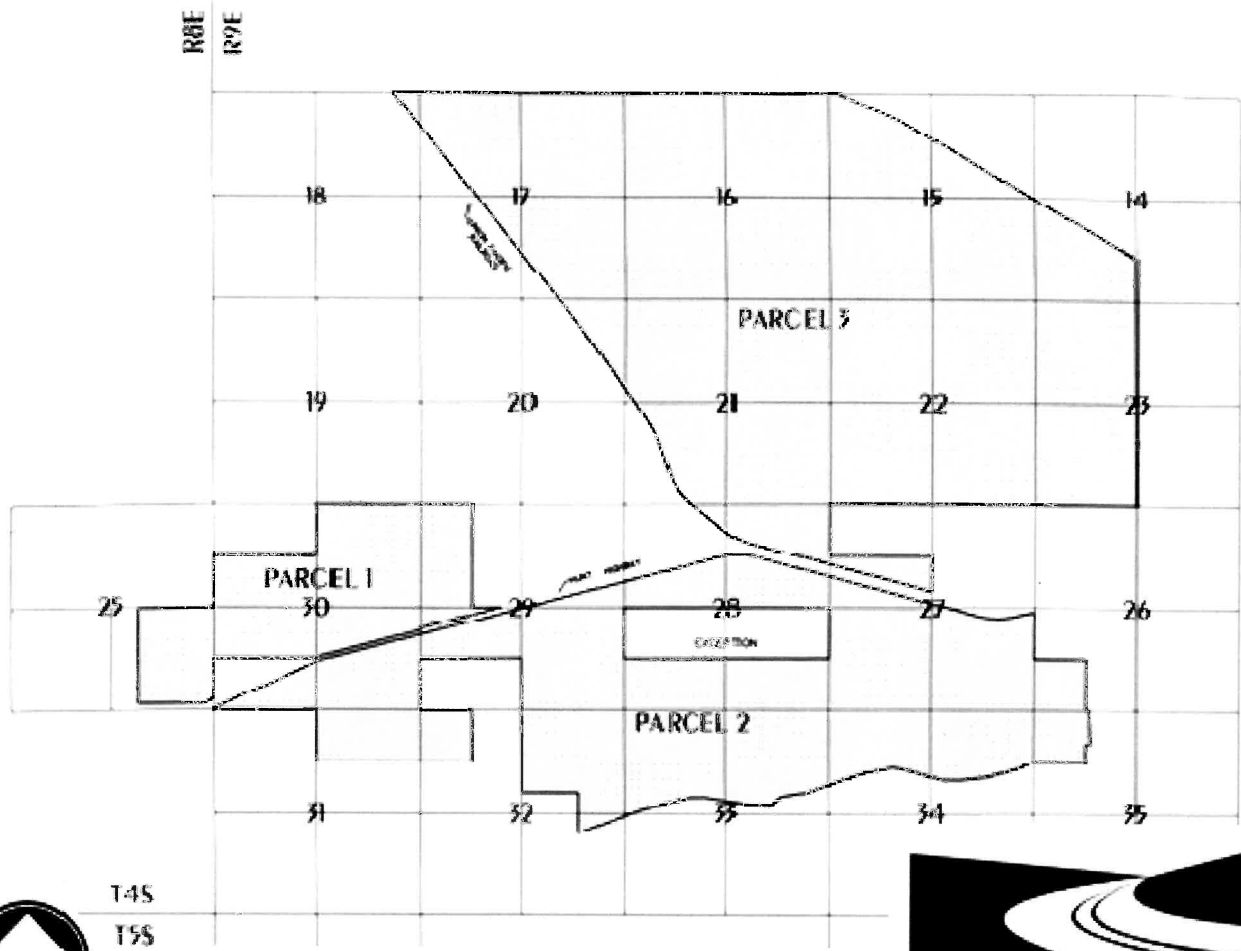


Exhibit I-2  
MR Overall Parcels
















Merrill Ranch

# MR Overall Land Use Plan (Approved)

Exhibit I-3



LEGEND:

-  R-1 SINGLE FAMILY RESIDENTIAL ZONE (LOWEST DENSITY)
-  R-2 NEIGHBORHOOD MULTI-FAMILY RESIDENTIAL ZONE (MEDIUM DENSITY)
-  R-3 DOWNTOWN RESIDENTIAL ZONE (HIGHEST DENSITY)
-  CE-I COMMERCIAL EMPLOYMENT INDUSTRIAL ZONE
-  CE-M COMMERCIAL EMPLOYMENT MIXED USE ZONE
-  CE-R COMMERCIAL EMPLOYMENT RETAIL ZONE
-  VMU VILLAGE MIXED-USE ZONE
-  OS OPEN SPACE
-  PCB RECREATION CENTER-PARK
-  POTENTIAL SCHOOL SITE
-  POTENTIAL PUBLIC FACILITY SITE

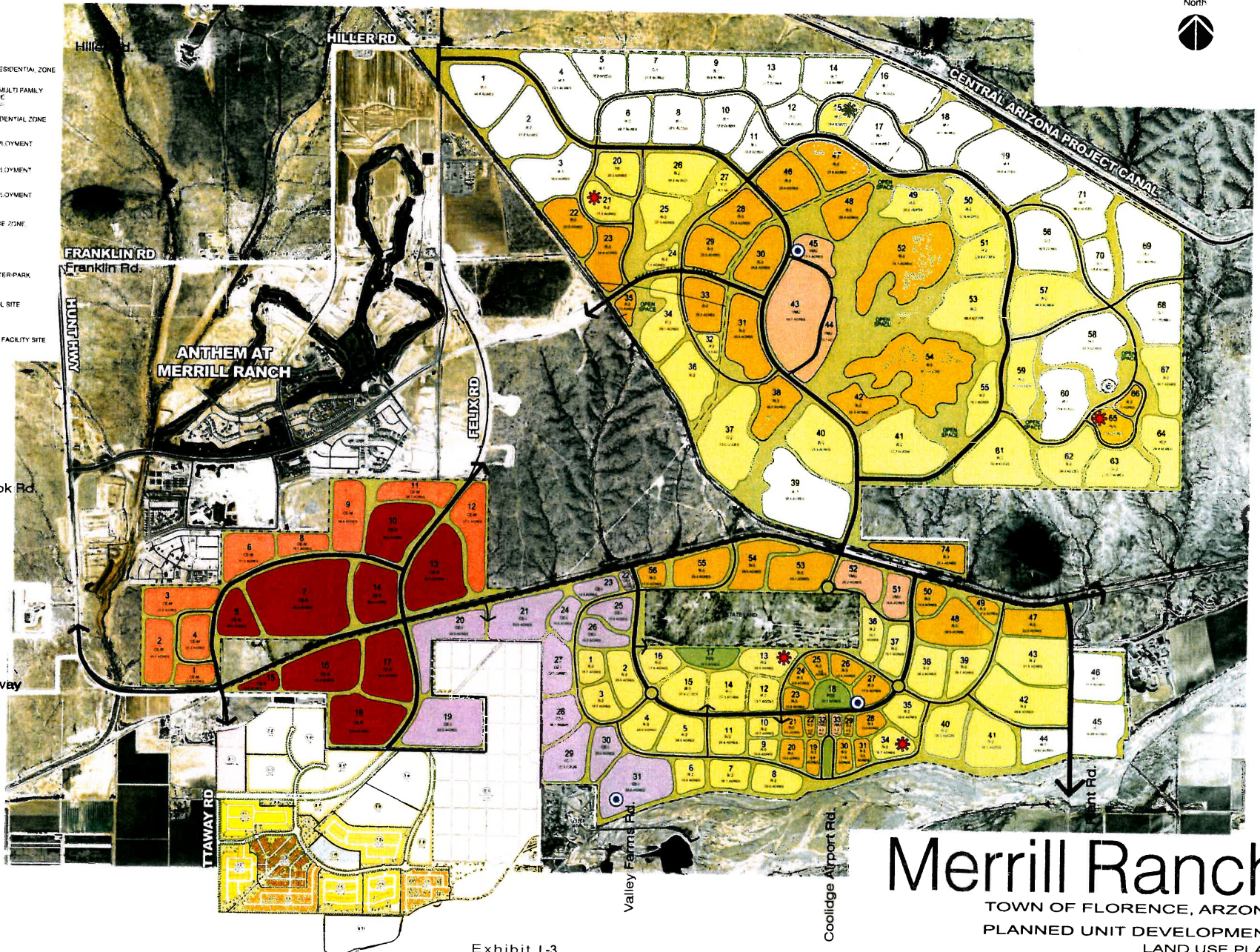
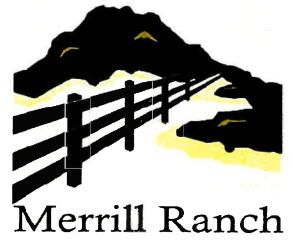


Exhibit I-3

# Merrill Ranch

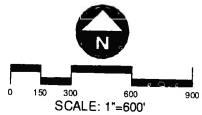
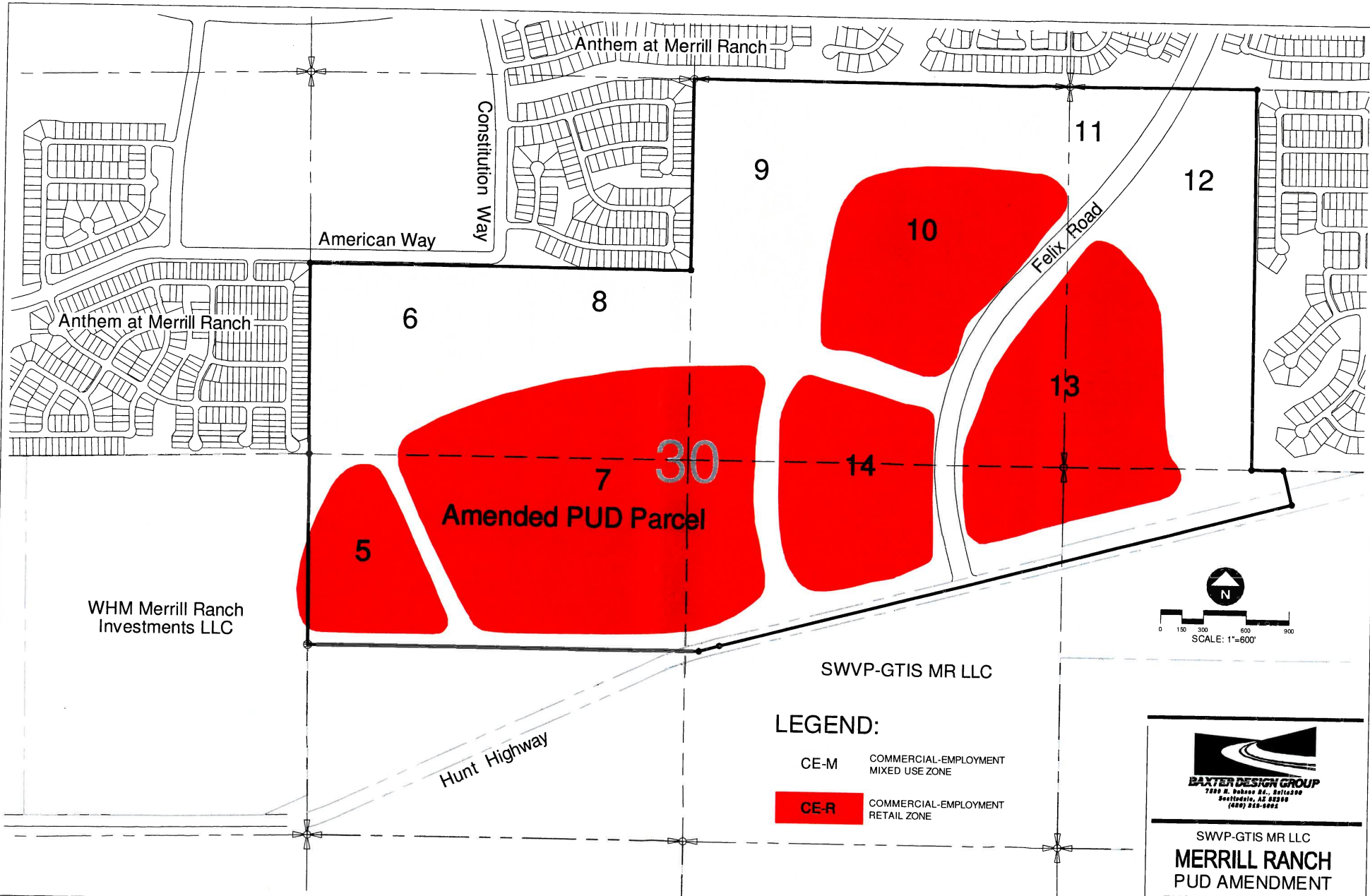
TOWN OF FLORENCE, ARIZONA  
PLANNED UNIT DEVELOPMENT  
LAND USE PLAN

April 19, 2013




# Approved Land Use Plan (Detailed View)

## Exhibit II-1



**LEGEND:**

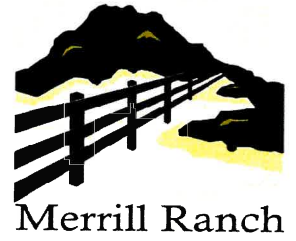
- CE-M COMMERCIAL-EMPLOYMENT MIXED USE ZONE
- CE-R COMMERCIAL-EMPLOYMENT RETAIL ZONE

  
**BAXTER DESIGN GROUP**  
11201 N. DeSoto Blvd., Suite 200  
 Scottsdale, AZ 85259  
 (480) 950-0022

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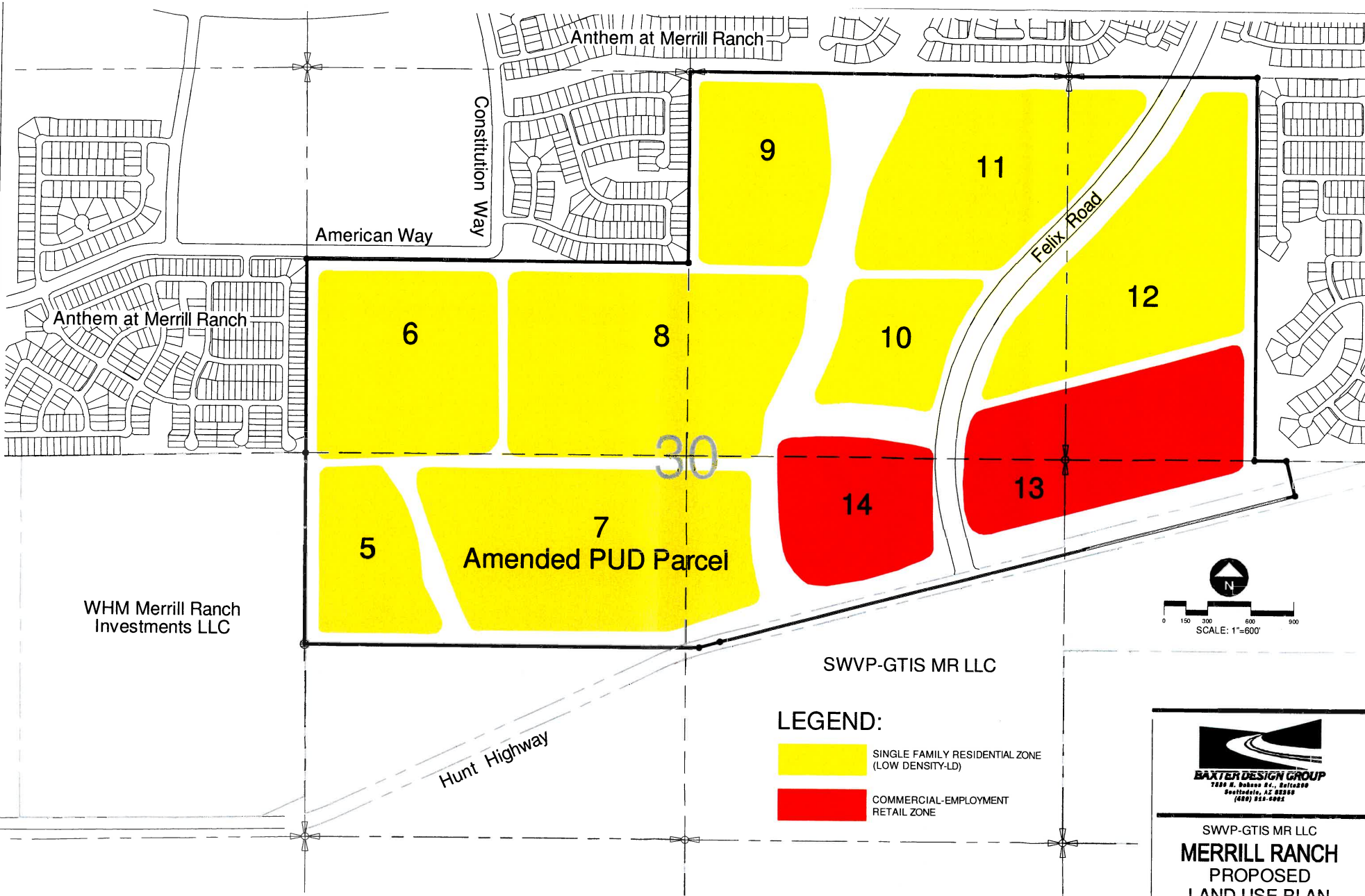
SWVP-GTIS MR LLC  
**MERRILL RANCH**  
**PUD AMENDMENT**  
 EXISTING LAND USE PLAN  
 FLORENCE, AZ

ISSUE DATE: MAR. 12, 2013



# Proposed Land Use Plan (Detailed View)

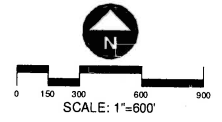
Exhibit II-2



ISSUE DATE: MAR. 12, 2013

**LEGEND:**

- SINGLE FAMILY RESIDENTIAL ZONE (LOW DENSITY-LD)
- COMMERCIAL-EMPLOYMENT RETAIL ZONE

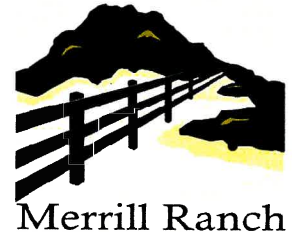




**BAXTER DESIGN GROUP**  
7400 N. Hobson Ave., Suite 200  
 Scottsdale, AZ 85258  
 (480) 951-0002

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SWVP-GTIS MR LLC  
**MERRILL RANCH  
 PROPOSED  
 LAND USE PLAN**  
 FLORENCE, AZ



## Existing - Approved Land Use Table

### COMMERCIAL / EMPLOYMENT VILLAGE PLANNING AREA

Parcel Designation	Proposed Zoning	Land Use	Dwelling Units per Acre			Net Acreage	Target Dwelling Units
			Low	Target (1)	High		
5	CE-R	C/E Retail	8.0	0	24.0	28.0	0
6	CE-M	C/E Mixed-Use	8.0	9.8	24.0	41.0	402
7	CE-R	C/E Retail	8.0	0	24.0	99.5	0
8	CE-M	C/E Mixed-Use	8.0	9.8	24.0	19.1	187
9	CE-M	C/E Mixed-Use	8.0	9.8	24.0	58.4	572
10	CE-R	C/E Retail	8.0	9.7	24.0	50.4	489
11	CE-M	C/E Mixed-Use	8.0	9.8	24.0	28.1	275
12	CE-M	C/E Mixed-Use	8.0	9.8	24.0	37.2	365
13	CE-R	C/E Retail	8.0	9.7	24.0	64.0	621
14	CE-R	C/E Retail	8.0	0	24.0	38.8	0
Developable Area (Net)						464.5	2,911

- (1) Residential Dwelling Units are permitted in all of the Commercial / Employment Village Mixed-Use and Retail Parcels. Residential Development in CE-M zones will not exceed 50% of the gross land area. Residential Development in CE-R zones will not exceed 30% of the gross land area.

Table II-1



## Proposed Land Use Table

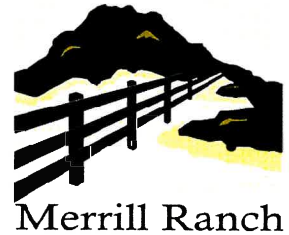
### COMMERCIAL / EMPLOYMENT VILLAGE PLANNING AREA

Parcel Designation	Proposed Zoning	Land Use	Dwelling Units per Acre			Net Acreage	Target Dwelling Units
			Low	Target (1)	High		
5	R-1	Low Density	1.0	3.5	4.0	28.0	98
6	R-1	Low Density	1.0	3.5	4.0	41.0	144
7	R-1	Low Density	1.0	3.5	4.0	99.5	349
8	R-1	Low Density	1.0	3.5	4.0	19.1	67
9	R-1	Low Density	1.0	3.5	4.0	58.4	205
10	R-1	Low Density	1.0	3.5	4.0	50.4	177
11	R-1	Low Density	1.0	3.5	4.0	43.4	152
12	R-1	Low Density	1.0	3.5	4.0	61.2	215
13	CE-R	C/E Retail	8.0	0	24.0	40.0	0
14	CE-R	C/E Retail	8.0	0	24.0	23.5	0
Developable Area (Net)						464.5	1408

- (1) Residential Dwelling Units are permitted in all of the Commercial / Employment Village Mixed-Use and Retail Parcels. Residential Development in CE-M zones will not exceed 50% of the gross land area. Residential Development in CE-R zones will not exceed 30% of the gross land area.

Table II-1a





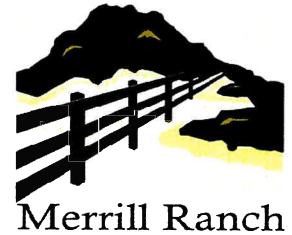
## Approved Land Use Summary Table (Overall MPC)

### LAND USE SUMMARY TABLE

Proposed Zoning	Land Use	DU/Acre Low	DU/Acre Target	DU/Acre High	Gross Acreage	Target Dwelling Units (1)
R-1	Low	1.0	3.5	4.0	1,070.3	3,746
R-2	Medium	4.0	4.5	8.0	1,360.0	6,120
R-3	High	8.0	12.0	24.0	854.0	10,248
VMU	Village Mixed Use	8.0	15.0	24.0	154.9	2,323
CE-M (3)	Commercial / Employment Mixed Use	8.0	9.8	24.0	292.7	1,435
CE-R (4)	Commercial / Employment Retail	8.0	9.7	24.0	437.1	1,271
CE-I	Commercial / Employment Industrial	0	0	0	389.0	0
	Right-of-ways				432.0	0
	Open Space(2)				812.0	0
<b>Totals</b>					<b>5,802</b>	<b>26,109 (1)</b>

- (1) Overall Project density will not exceed 4.5 units/gross acre.
- (2) Project will provide a minimum of 14% open space (812 acres).
- (3) Residential Development in CE-M zones will not exceed 50% of the gross land area.
- (4) Residential Development in CE-R zones will not exceed 30% of the gross land area.

Table II-2



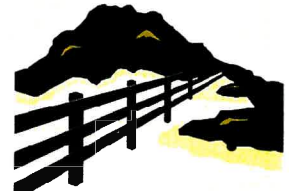
## Proposed Land Use Summary Table (Overall MPC)

### LAND USE SUMMARY TABLE

Proposed Zoning	Land Use	DU/Acre Low	DU/Acre Target	DU/Acre High	Gross Acreage	Target Dwelling Units (1)
R-1	Low	1.0	3.5	4.0	1,471.3	5,150
R-2	Medium	4.0	4.5	8.0	1,360.0	6,120
R-3	High	8.0	12.0	24.0	854.0	10,248
VMU	Village Mixed Use	8.0	15.0	24.0	154.9	2,323
CE-M (3)	Commercial / Employment Mixed Use	8.0	9.8	24.0	108.9 183.8 (5)	534 0 (5)
CE-R (4)	Commercial / Employment Retail	8.0	9.7	24.0	219.9 217.2 (5)	640 0 (5)
CE-I	Commercial / Employment Industrial	0	0	0	389.0	0
	Right-of-ways				432	0
	Open Space(2)				812	0
<b>Totals</b>					<b>5,802</b>	<b>26,109(1)</b>

- (1) Overall Project density will not exceed 4.5 units/gross acre.
- (2) Project will provide a minimum of 14% open space (812 acres).
- (3) Residential Development in CE-M zones will not exceed 50% of the gross land area.
- (4) Residential Development in CE-R zones will not exceed 30% of the gross land area.
- (5) CE-M and CE-R acreage and density removed as part of this PUD amendment will be held in reserve and applied to more specific areas as future commercial development opportunities are available. Subsequent rezoning amendments will be processed at a later date to relocate CE-M and CE-R land uses held in reserve and expected to be relocated to areas along the proposed North – South Freeway corridor and interchanges.

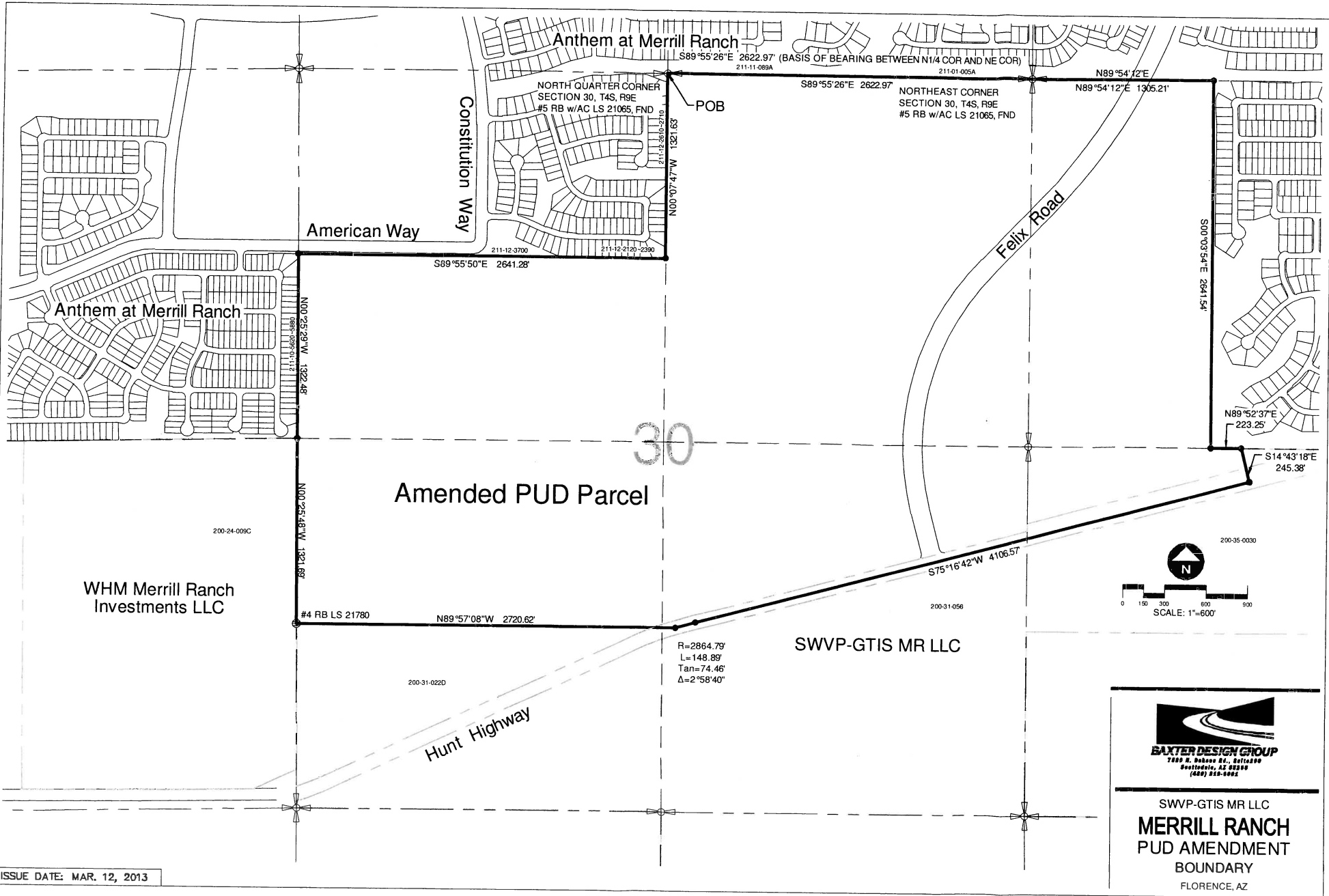
Table II-2a



Merrill Ranch

# Proposed PUD Amendment Area Boundary and Legal Description

Exhibit III-1



**SWVP-GTIS MR LLC**  
**MERRILL RANCH**  
**PUD AMENDMENT**  
**BOUNDARY**  
 FLORENCE, AZ



**SWVP-GTIS MR LLC**  
**PUD Amendment – Boundary Description**

(Per special warranty deed recorded as fee number 2010-028693,PCR)

A parcel of land lying within the West half of Section 29 and Section 30, Township 4 South, Range 9 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

Commencing at the North Quarter corner of Section 30 (#5 RB w/2" AC LS 21065, found) said point being the Point of Beginning;

Thence, South 89 degrees 55 minutes 26 seconds East, a distance of 2622.97 feet;

Thence, North 89 degrees 54 minutes 12 seconds East, a distance of 1305.21 feet;

Thence, South 00 degrees 03 minutes 54 seconds East, a distance of 2641.54 feet;

Thence, North 89 degrees 52 minutes 37 seconds East, a distance of 223.25 feet;

Thence, South 14 degrees 43 minutes 18 seconds East, a distance of 245.38 feet;

Thence, South 75 degrees 16 minutes 42 seconds West, a distance of 4106.57 feet;

Thence Westerly, an arc distance of 148.89 feet along a curve to the left having a radius of 2864.79 feet and a central angle of 02 degrees 58 minutes 40 seconds;

Thence, North 89 degrees 57 minutes 08 seconds West, a distance of 2720.62 feet;

Thence, North 00 degrees 25 minutes 48 seconds West, a distance of 1321.69 feet;

Thence, North 00 degrees 25 minutes 29 seconds West, a distance of 1322.48 feet;


Thence, South 89 degrees 55 minutes 50 seconds East, a distance of 2641.28 feet;

Thence, North 00 degrees 07 minutes 47 seconds West, a distance of 1321.63 feet to the Point of Beginning;

Containing 474.0810 acres more or less.

Except:

All that part lying within the Felix road right of way as depicted on the map of dedication recorded in Cabinet H, slide 39, Pinal County Records.

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>11a.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Scott Bowles Economic Development Coordinator  <b>SUBJECT:</b> Resolution No. 1411-13, granting final approval to the issuance of one or more series of the Industrial Development Authority of the Town of Florence, Inc. Tax-Exempt and/or Taxable Education Revenue Bonds.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1411-13: A RESOLUTION GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE EDUCATION REVENUE BONDS (TELESIS PREPARATORY ACADEMY PROJECT), SERIES 2013, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT AND EQUIPPING OF EDUCATIONAL FACILITIES FOR TELESIS CENTER FOR LEARNING, INC.

**BACKGROUND/DISCUSSION:**

This resolution will allow TELESIS Preparatory Academy to finance and refinance, up to \$5 million, the costs of acquiring, constructing, improving, and equipping land and buildings to be used as charter school facilities located in Lake Havasu City, Arizona. Currently, TELESIS Preparatory Academy provides educational services to approximately 400 students in kindergarten through twelfth grades. The Town of Florence approved a similar IDA bond issue in June 2013 for Mohave Accelerated Learning Center Schools.

There is no liability incurred by issuing these bonds. By issuing these bonds, the Town or the IDA is not precluded from making other issues now or in the future. The issuance of industrial development bonds is contingent on the borrower's strength and the comfort that the underwriter has with the applicant.

**FINANCIAL IMPACT:**

There is no fiscal impact to the Town of Florence or any liability through issuing these bonds. Per ARS Statutes, the risk is borne by TELESIS Preparatory Academy and those that purchase the bonds.

**STAFF RECOMMENDATION:**

Staff recommends adoption of Resolution No. 1411-13, for approval of the of the Industrial Development Authority bonds for TELESIS Preparatory Academy.

**ATTACHMENTS:**

Resolution No. 1411-13

Ryler Carlock and Applewhite letter dated August 5, 2013

Ryler Carlock and Applewhite letter dated August 8, 2013

Proposed Agenda Matter

**RESOLUTION NO. 1411-13**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE EDUCATION REVENUE BONDS (TELESIS PREPARATORY ACADEMY PROJECT), SERIES 2013, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT AND EQUIPPING OF EDUCATIONAL FACILITIES FOR TELESIS CENTER FOR LEARNING, INC.**

---

**WHEREAS**, The Industrial Development Authority of the Town of Florence, Inc. (the “Authority”), is an Arizona nonprofit corporation designated as a political subdivision of the State of Arizona empowered under the Industrial Development Financing Act, A.R.S. §§35-701 through 761 inclusive (the “Act”), to issue revenue bonds for the purposes set forth in the Act, including the making of secured and unsecured loans for the purpose of financing the acquisition, construction, improvement or equipping of a “project” (as defined in the Act) whenever the Board of Directors of the Authority finds such loans to be in the public interest; and

**WHEREAS**, the term “project” includes within its meaning any land, any building or other improvements, and all real and personal properties which are suitable for an educational institution or organization established under the provisions of Title 15, Chapter 1, Article 8, Arizona Revised Statutes, and owned by a nonprofit organization; and

**WHEREAS**, Telesis Center for Learning, Inc. (the “Borrower”), an Arizona nonprofit corporation designated as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), has requested the



Authority to issue its revenue bonds for the purpose of assisting the Borrower in financing and refinancing, as applicable, the costs of land and buildings located in Lake Havasu City, Arizona (the “Facilities”), for use by the Borrower in connection with its charter school operations; and

**WHEREAS**, in furtherance of the purposes of the Act, the Authority proposes to issue one or more series of its tax-exempt and/or taxable Education Revenue Bonds (Telesis Preparatory Academy Project), Series 2013 (the “Bonds”), in an aggregate principal amount of not to exceed \$6,000,000, the proceeds of which will be loaned to the Borrower to (i) finance and refinance, as applicable, the costs of acquiring, constructing, renovating, improving and equipping the Facilities, (ii) fund any required reserve funds as set forth in the Indenture pursuant to which the Bonds will be issued, and (iii) pay certain expenses relating to issuance of the Bonds (the “Project”); and

**WHEREAS**, the Authority, by a resolution duly adopted by the Board of Directors of the Authority at a lawful meeting called and held on August 19, 2013 (the “Authority Resolution”), granted final approval to the issuance and sale of the Bonds in aggregate principal amount not to exceed \$6,000,000; and

**WHEREAS**, pursuant to Section 35-721.B of the Act, the proceedings of the Authority under which the Bonds are to be issued require the approval of this Council; and

**WHEREAS**, approval of the Bonds is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign; and

**WHEREAS**, this Council has had presented to it information regarding the Project and the Bonds and is informed and advised regarding the Project and the Bonds.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council, of the Town of Florence, Arizona, as follows:

SECTION I. APPROVAL OF PROCEEDINGS. The proceedings of the Authority under which the Bonds are to be issued in aggregate principal amount not to exceed \$6,000,000 are hereby approved, subject, however, to all the terms and conditions contained in the Authority Resolution.

SECTION II. CERTIFICATION. It is hereby CERTIFIED under penalty of perjury that the approval of the proceedings is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Florence, Pinal County, Arizona, this 19th day of August, 2013.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
James E. Mannato, Town Attorney

**RYLEY CARLOCK**  
**& A P P L E W H I T E**  
*Attorneys*

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[www.rcalaw.com](http://www.rcalaw.com)

**William F. Wilder**  
Direct Line: 602-440-4802  
Direct Fax: 602-257-6902  
E-mail: [wwilder@rcalaw.com](mailto:wwilder@rcalaw.com)

August 5, 2013

**VIA EMAIL [lisa.garcia@florenceaz.gov](mailto:lisa.garcia@florenceaz.gov)**  
**AND U.S. MAIL**

Ms. Lisa Garcia  
Florence Town Clerk  
Town of Florence  
P.O. Box 2670  
Florence, AZ 85132

Re: The Industrial Development Authority of the Town of Florence, Inc. /  
Request to be on Town Council Agenda for Town Council Meeting on  
August 19, 2013

Dear Ms. Garcia:

As you will recall, we serve as legal counsel to The Industrial Development Authority of the Town of Florence, Inc.

Currently the Florence IDA is working on a planned financing for Telesis Center for Learning, Inc. The financing will be for an amount not to exceed \$6,000,000 of bonds, the proceeds of which will be used to finance capital expenditures incurred or to be incurred by Telesis Center for Learning, Inc. with respect to its charter school facilities and campus located in Lake Havasu City, Arizona. The financing was preliminarily approved by the Florence IDA on July 18, 2013.

The Florence IDA is scheduled to meet on August 19, 2013 to adopt a Resolution granting final approval for the financing.

The matter will then need to go before the Florence Town Council for its approving action and we are requesting to be on the Town Council Agenda for the Council meeting on August 19, 2013.

Enclosed herewith is a suggested Town Council Agenda Matter description together with the proposed form of Resolution for the Council to adopt.

Ms. Lisa Garcia  
August 5, 2013  
Page 2

**RYLEY CARLOCK**  
& A P P L E W H I T E  
*Attorneys*

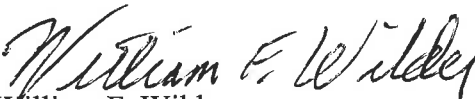
I would appreciate confirmation that this matter will be on the Town Council Agenda on August 19, 2013 and in between, if or to the extent you or other representatives of the Town of Florence have any questions whatsoever, please do not hesitate to contact me.

In the near future I will be preparing a general report letter to the Town Council, similar to the report letters I have utilized in the past, to flesh out details with regard to the financing.

At the Town Council meeting on December 3, I will be present as will some other members of the financing team to answer questions, if any, that the Council may have.

As always, I look forward to working with you and look forward to hearing from you if you have any questions.

Yours very truly,

  
William F. Wilder

Enclosure

cc (via email and U.S. mail): Charles Montoya (charles.montoya@florenceaz.gov)  
James Mannato (james.mannato@florenceaz.gov)  
Scott Bowles (scott.bowles@florenceaz.gov)  
Henry Padilla (lhpadilla@cox.net)  
Brigitte Finley Green (greenb@gtlaw.com)

**RYLEY CARLOCK**  
**& A P P L E W H I T E**  
*Attorneys*

William F. Wilder  
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Direct Fax: 602-257-6902  
E-mail: [wwilder@rcalaw.com](mailto:wwilder@rcalaw.com)

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August 8, 2013

To: Mayor and Council  
Town of Florence, Arizona

Board of Directors  
The Industrial Development  
Authority of the Town of Florence, Inc.

Re: Not to Exceed \$6,000,000 The Industrial Development Authority of  
the Town of Florence, Inc. Education Revenue Bonds (Telesis  
Preparatory Academy Project), Series 2013

Ladies and Gentlemen:

At a meeting of the Board of Directors of The Industrial Development Authority of the Town of Florence, Inc., (the "Authority") to be held on August 19, 2013, the Authority will be asked to adopt a resolution authorizing the issuance and sale of the bonds as described above (the "Bonds").

Thereafter, at a meeting of the Council of the Town of Florence, Arizona, on August 19, 2013, the Town Council will be asked to approve the proceedings of the Authority, as prescribed by A.R.S. §35-821.B, for the issuance of the Bonds.

The purpose of this letter is to provide a summary review of the planned financing.

**THE AUTHORITY AND ITS POWERS**

The Authority is an Arizona nonprofit corporation incorporated under the provisions of the Industrial Development Financing Act, Title 35, Chapter 5, and Title 10, Arizona Nonprofit Corporation Act, Arizona Revised Statutes, as amended (the "Act"). The Authority is designated by law as a political subdivision of the State of Arizona. Under the provisions of the Act, the Town Council of the Town of Florence is the governing body of the Authority, is responsible for electing the Directors of the Authority, and must approve the proceedings of the Authority for the issuance of the Bonds.

The Authority is empowered to issue the Bonds and loan the proceeds from the sale of the Bonds to finance "projects" as such term is defined in A.R.S. § 35-701. Facilities for a nonprofit 501(c)(3) charter school organization formed under the provisions of Title 15, Article 1, Chapter 8, Arizona Revised Statutes, as amended, constitute a "project" within the meaning of the Act.

Under the provisions of the Act, the Authority is empowered to issue its bonds to finance a "project" located anywhere in Arizona (except when the "project" is housing, in

Mayor and Council of the Town of Florence,  
Arizona  
Board of Directors  
of The Industrial Development Authority  
of the Town of Florence, Inc.  
August 8, 2013  
Page 2

which case the “project” must be located in the Town of Florence). Also, under the provisions of the Act the Authority is empowered to issue its bonds to finance a project outside of Arizona if certain criteria set forth in the Act are met.

### **THE APPLICANT/BORROWER**

The Applicant/Borrower for financing is Telesis Center for Learning, Inc. (“Telesis”), an Arizona nonprofit corporation designated under the Internal Revenue Code as a 501(c)(3) organization and formed and operated exclusively for charitable and educational purposes as a charter school under the provisions of Title 15, Article 1, Chapter 8, Arizona Revised Statutes, as amended.

Telesis currently operates a K-12 charter school in Lake Havasu City, Arizona, with an enrollment of approximately 400 children. This school was established in 1992 as a private school and in 1999 became a charter school.

### **THE PROJECT**

The proceeds received by Telesis from the sale of the Bonds will be used to finance and refinance the costs of acquiring, constructing, renovating, improving and equipping land and buildings located in Lake Havasu City, Arizona which are owned by Telesis and operated by Telesis as a charter school; and as necessary, to fund a reserve fund for the Bonds and to pay certain costs and expenses incurred in connection with the issuance of the Bonds.

### **APPROVAL BY AUTHORITY**

At an Authority Board meeting on July 18, 2013, the Authority granted preliminary approval for the issuance of the Bonds.

At the Authority Board meeting on to be held on August 19, 2013, it is anticipated the Authority Board will grant approval to the application for financing submitted by Telesis and will adopt a resolution authorizing the issuance and sale of the Bonds.

### **NOTIFICATION TO ARIZONA ATTORNEY GENERAL**

As required by the provisions of Arizona Revised Statutes, Section 35-721.F, the Authority has notified the Arizona Attorney General of the Authority’s intention to issue the Bonds.

Mayor and Council of the Town of Florence,  
Arizona  
Board of Directors  
of The Industrial Development Authority  
of the Town of Florence, Inc.  
August 8, 2013  
Page 3

## **PUBLIC HEARING**

No public hearing pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, is required for the proposed financing.

## **ALLOCATION FOR TAX EXEMPT FINANCING**

Since the Applicant is a nonprofit 501(c)(3) organization, it is not necessary for the Applicant to obtain an allocation of the State of Arizona 2010 volume cap or "state ceiling" for the proposed financing and the Bonds to be issued.

## **FINANCING PARTICIPANTS**

The major participants in the financing are as follows:

Issuer:	The Industrial Development Authority of the Town of Florence, Inc.
Issuer Counsel:	Ryley, Carlock & Applewhite
Applicant/Borrower:	Telesis Center for Learning, Inc.
Applicant/Borrower Counsel	Warren Charter Law, PLC
Bond Counsel:	Greenberg Traurig LLP
Underwriter	Piper Jaffray & Co.
Underwriter Counsel	Dorsey & Whitney
Trustee	Bank of Arizona

## **PRINCIPAL FINANCING DOCUMENTS**

---

<u>Document</u>	<u>Parties</u>
Indenture of Trust	Issuer and Trustee
Loan Agreement	Issuer and Borrower
Bond Purchase Agreement	Issuer, Borrower and Bond Purchaser
Limited Offering Memorandum	Borrower
Tax Compliance Certificate	Issuer and Borrower

Mayor and Council of the Town of Florence,  
Arizona  
Board of Directors  
of The Industrial Development Authority  
of the Town of Florence, Inc.  
August 8, 2013  
Page 4

**RYLEY CARLOCK**  
& A P P L E W H I T E  
*Attorneys*

Deed of Trust, Security Agreement, Borrower  
Assignment of Rents and Leases and Fixture  
Filing

### **PLAN OF FINANCING**

The Authority's Education Revenue Bonds (Telesis Preparatory Academy Project), Series 2013 will be used to finance or refinance charter school facilities located in Lake Havasu City, Arizona which are owned and operated by the Borrower.

The Bonds will be issued in a not to exceed amount of \$6,000,000, will bear interest at a fixed rate to be determined at the time the Bonds are sold and will have a final maturity date, not exceeding 40 years from the date the Bonds are issued.

The Bonds will be issued under the Indenture of Trust, will be sold to one or more accredited investors or qualified institutional buyers in accordance with the provisions of the Bond Purchase Agreement and the proceeds received from the sale of the Bonds will be loaned by the Authority to the Borrower under the provisions of the Loan Agreement.

Restrictions will be in place to assure that the Bonds will not be transferred other than to qualified institutional buyers or accredited investors.

Under the provisions of the Loan Agreement, the Borrower will be unconditionally obligated to make periodic loan repayments in amounts sufficient to provide for the timely payment of interest and principal on the Bonds.

The obligations of the Borrower under the Loan Agreement will be secured by one or more the Deeds of Trust, Security Agreements, Assignments of Rents and Leases and Fixture Filings.

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### **TOWN COUNCIL APPROVAL**

The Town Council of the Town of Florence is requested, at its meeting on August 19, 2013, to act as required by law to adopt a resolution approving the proceedings of the Authority for the issuance of the Bonds.

### **NO LIABILITY ON THE TOWN OF FLORENCE**

Under the provisions of A.R.S. § 35-742, the Town of Florence shall not in any event be liable for the payment of the principal or interest on the Bonds of the Authority or for the performance by the Authority of any of its obligations with respect to its Bonds nor



Mayor and Council of the Town of Florence,  
Arizona  
Board of Directors  
of The Industrial Development Authority  
of the Town of Florence, Inc.  
August 8, 2013  
Page 5

**RYLEY CARLOCK**  
& A P P L E W H I T E  
*Attorneys*

shall any agreements or obligations of the Authority constitute an indebtedness of the Town of Florence within the meaning of any constitutional or statutory provision whatsoever.

### **TRANSACTION CLOSING**

If the required approvals of the Authority and the Town Council of the Town of Florence are received, it is currently anticipated that the Bonds will be issued in September 2013.

### **LEGAL COUNSEL RECOMMENDATION**

As counsel to the Authority, we have reviewed drafts of the principal financing documents, we have been advised that these documents are now in substantially final form, and based upon our review of such and our review of the proceedings of the Authority to date relating to the proposed issuance of the Bonds, we believe the financing documents and proceedings are in substantial conformance with the policies and guidelines of the Authority and are in both form and substance acceptable for the Authority Board and Florence Town Council to act upon and that the Resolution presented to the Authority Board relating to authorizing the issuance and sale of the Bonds, and the Resolution presented to the Florence Town Council approving the proceedings of the Authority for the issuance of the Bonds and related matters, are in form and substance acceptable for the Authority Board to adopt.

Yours very truly,




William F. Wilder  
Legal Counsel, The Industrial Development  
Authority of the Town of Florence, Inc.

cc: Board of Directors,  
The Industrial Development Authority  
of the Town of Florence, Inc.  
Mr. Charles Montoya  
Ms. Lisa Garcia  
James Mannato, Esq.  
Mr. Scott Bowles

**FLORENCE TOWN COUNCIL  
MEETING ON AUGUST 19, 2013**

**PROPOSED AGENDA MATTER**

Adoption of a Resolution approving the proceedings of The Industrial Development Authority of the Town of Florence, Inc. for the issuance of not to exceed \$6,000,000 of Education Revenue Bonds (Telesis Center for Learning, Inc. Project) Series 2013.

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 11b.</b>
<b>MEETING DATE:</b> August 19, 2013  <b>DEPARTMENT:</b> Fire Department/Finance  <b>STAFF PRESENTER:</b> Ernest Feliz, Special District Manager  <b>SUBJECT:</b> FEMA SAFER Grant Application		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to approve submission of a grant application by the Town of Florence for Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant program funds.

**BACKGROUND/DISCUSSION:**

Town staff seeks approval to submit an application for SAFER grant funding for salary and benefits for three firefighter positions. The funding will be for two years. Adding the three positions will enable the Town to meet National Fire Protection Association (NFPA) standards for staffing. The total amount of grant funding is \$463,902, which is what will be requested with this application.

The purpose of the SAFER Grant is to provide funding to assist fire departments in increasing the number of firefighters to help communities meet industry minimum standards, attain 24-hour staffing to provide adequate protection from fire and fire-related hazards and to fulfill traditional missions of fire departments. The goal of the SAFER Grant is to assist with staffing and deployment capabilities in order to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. While not required for a SAFER Grant, it is preferable that the enhanced staffing levels of grantees ensures that all first-arriving apparatus are staffed with a minimum of four qualified personnel, which meets National Fire Protection Association (NFPA) standards.

Staff intends on using the requested personnel to assist in the complete staffing of Station No. 2 in Anthem. This will allow for an additional firefighter to be placed on the engine to four personnel at all times. This project grant, if approved, will also help the Town transition to providing services to annexed areas, if that occurs.

Awards are expected to be announced beginning in November 2013.

**FINANCIAL IMPACT:**

This application will be for full funding of \$463,902 by FEMA to pay the salary and benefits of three firefighters for two years. Matching funds are not required; however, for each firefighter there will be additional expenditures of approximately \$3,500 for turnouts, uniforms and other related costs. Following the two years of grant funding, the firefighters' salary and benefits will revert to Town funding.

**STAFF RECOMMENDATION:**

Staff recommends that the Mayor and Town Council approve the submission of a SAFER Grant application to FEMA in the amount of \$463,902 for the salary and benefits of three firefighter positions for two years.

**ATTACHMENTS:**

SAFER 2013 Grant Budget Estimate  
Grant Request Cover Page  
Grant application Guide


**Town of Florence**  
 Estimate of FY2015  
 salary and benefits

position	total salary & benefits	No. of positions sought	total cost per year
Firefighter/Paramedic	\$ 77,317	3	\$ 231,951
3 Firefighters/Paramedic x 2 years @ \$77,317 per year			\$ 463,902
<b>Total Grant Request</b>			<b>\$ 463,902</b>

## GRANT REQUEST COVER PAGE


<b>Project Title:</b>	Additional Firefighting Personnel		
<b>Project Manager:</b>	Peter Zick, Fire Chief		
<b>Source of Grant:</b>	Staffing for Adequate Fire and Safety Response (SAFER)		
<b>Application Deadline:</b>	Aug. 30, 2013		
<b>ATTACHMENTS</b>	Project Summary	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Project Budget	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Other _____		
	Other _____		
<b>FINANCIALS</b>			
1) Cost of the Project:	\$463,902	) Amount of Grant Request:	\$463,902
3) Are Matching Funds Required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4) Amount and/or Value of Match:	Cash _____	In Kind	_____
5) Is the Project Budgeted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	C.I.P. Number: _____
6) Source of Matching Funds:	_____		
	(Obtain from Finance Director)		
<p>The Florence Fire Department is seeking authorization from Council to apply for the 2013-2014 SAFER Grant to fund three (3) firefighter positions. The grant request of \$463,902 will pay 100% of the salary and benefits for three firefighters for two years. This will bring the Fire Department up to NFPA 1710 compliance and will enhance the ability of the Florence Fire Department to provide excellent emergency service protection.</p>			

Department Submitting:

  
 \_\_\_\_\_  
 Department Head  Approved  Declined 8/17/13  
Date

  
 \_\_\_\_\_  
 Grants Coordinator  Approved  Declined 8/19/13  
Date

  
 \_\_\_\_\_  
 Finance Director  Approved  Declined 8/14/13  
Date

  
 \_\_\_\_\_  
 Town Manager  Approved  Declined 8/15/13  
Date

**FY 2013 STAFFING FOR ADEQUATE FIRE AND EMERGENCY  
RESPONSE (SAFER)  
FUNDING OPPORTUNITY ANNOUNCEMENT (FOA)  
OVERVIEW INFORMATION**

**Issued By:** US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)

**Catalogue of Federal Domestic Assistance (CFDA) Number:** 97.083

**CFDA Title:** Staffing for Adequate Fire and Emergency Response (SAFER)

**Funding Opportunity Announcement Title:** Fiscal Year (FY) 2013 Staffing for Adequate Fire and Emergency Response (SAFER)

**Authorizing Authority for Program:** SAFER Authority is derived from Section 34 of the *Federal Fire Prevention and Control Act of 1974, as amended* (15 U.S.C. §2229a *et seq.*)

**Appropriation Authority for Program:** *Department of Homeland Security Appropriations Act, 2013* (P.L. 113-6, Division D)

**FOA Number:** DHS-13-GPD-083-000-99

**Key Dates and Time:**

Application Start Date:	Monday, July 29, 2013
Application Submission Deadline Date:	Friday, August 30, 2013
Anticipated Funding Selection Date:	N/A
Anticipated Award Date:	No later than September 30, 2014

**Other Key Dates:** N/A

**Intergovernmental Review:** Is an intergovernmental review required?  Yes  No

# FOA EXECUTIVE SUMMARY

**Program Type:** Select the applicable program type:  New  Continuing  One-time

**Date of origin for Program:** November 24, 2003

**Funding Opportunity Category:** Select the applicable opportunity category:

Discretionary/Competitive  Mandatory/Non-competitive  Both

**Application Process:** DHS makes all funding opportunities available through the common electronic “storefront” grants.gov, accessible on the Internet at <http://www.grants.gov>. If you experience difficulties accessing information or have any questions, please call the grants.gov customer support hotline at (800) 518-4726.

Components/Directorates must ensure applicants and recipients use the appropriate OMB Standard Forms when applying for financial assistance. Application forms and instructions are available at Grants.gov. To access these materials, go to <http://www.grants.gov>, select “Apply for Grants,” and then select “Download Application Package.” Enter the Catalog of Federal Domestic Assistance (CFDA) and/or the funding opportunity number located on the cover of this announcement. Select “Download Application Package,” and then follow the prompts to download the application package. To download the instructions, go to “Download Application Package” and select “Instructions.” Applications are accessible via <https://portal.fema.gov>.

Links to the application will be available via the US Fire Administration’s (USFA) Web site <http://www.usfa.fema.gov> and the Grants.gov Web site <http://www.grants.gov>.

For additional details, please see *Section X. Application and Submission Information*.

## Eligible Applicants:

The following nonprofit entities are eligible to apply directly to FEMA under this solicitation:

Fire Departments  National, state, local, or tribal organizations that represent the interests of volunteer firefighters

For additional information, please see *Section III. Eligibility Information*.

**Type of Funding Instrument:**  Grant  Cooperative Agreement  Loan

**Cost Share or Match:**  Cost Match  Cost Share  None Required

**Maintenance of Effort:**  Yes  No

**Management and Administration:** Administrative costs up to three percent of the awarded amount are allowable under the Recruitment and Retention category only.



# FULL FOA

## I. Funding Opportunity Description

### Program Overview and Priorities

FY 2013 SAFER is a competitive/discretionary grant program comprised of two categories:

- **Hiring of Firefighters** (Career, Combination, and Volunteer Fire Departments)
- **Recruitment and Retention of Volunteer Firefighters** (Combination and Volunteer Fire Departments and national, state, local, or tribal organizations that represent the interests of volunteer firefighters)

### Hiring of Firefighters (Priorities)

- **First priority:** Rehiring laid-off firefighters
- **Second priority:** Retention of firefighters who face imminent layoff or filling positions vacated through attrition but not filled due to economic circumstances
- **Third priority:** Hiring new firefighters

The appropriated funds are to be administered as indicated below. Specific funding parameters are highlighted as the result of a recommendation via the criteria development process (CD) or as required by *Federal Fire Prevention and Control Act of 1974, as amended*:

- 15 percent is set aside for the hiring of new firefighters (CD)
- 10 percent is set aside for the recruitment and retention of volunteer firefighters (15 USC § 2229a(a)(2))
  - No more than 33 percent of the total amount allocated for the recruitment and retention of volunteers can be awarded to national, state, local, or tribal organizations that represent the interests of volunteer firefighters (CD)
- 10 percent is set aside for grants awarded to volunteer or majority volunteer departments for hiring of firefighters. A majority volunteer fire department is made up of more than 50 percent of personnel who do not receive financial compensation for their services, other than life, health, and worker's compensation insurance, or a nominal stipend payment, including certain paid-on-call personnel. It may be necessary to go out of rank order to select a sufficient number of applications in order to meet the 10 percent requirement. (15 USC § 2229a(a)(1)(H))
- If less than 10 percent of the funds available for the hiring of firefighters are awarded to volunteer and majority volunteer fire departments, the remaining funds must be transferred to

provide grants for the recruitment and retention of volunteer firefighters (15 USC § 2229a(a)(1)(H))

### **Recruitment and Retention of Volunteer Firefighters Category (Priorities)**

- **The highest priority** is to assist departments experiencing a high rate of turnover and with staffing levels significantly below the ideal staffing level required to comply with National Fire Protection Association (NFPA) standards 1710 or 1720.

### **Program Objectives**

- **The purpose** of SAFER Grants is to provide funding directly to fire departments and national, state, local, or tribal organizations representing the interests of volunteer firefighters to assist them in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire related hazards, and to fulfill traditional missions of fire departments.
  - SAFER Grants achieve this purpose by funding: (1) the hiring of new firefighters, (2) the rehiring of firefighters that have been laid off, (3) the retention of firefighters facing imminent layoffs, or (4) the filling of positions that were vacated through attrition. Additionally, SAFER grants fund fire departments and national, state, local, or tribal organizations representing the interests of volunteer firefighters to assist with the recruitment and retention of volunteer firefighters.
- **The goal** of the SAFER Grants is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, and assure that communities have adequate protection from fire and fire-related hazards.

SAFER intends to improve or restore local fire departments' staffing and deployment capabilities so they may more effectively and safely respond to emergencies. With enhanced or restored staffing levels, grantees should see a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

While not required for a SAFER Grant, it is preferable that the enhanced or restored staffing levels of all SAFER Grantees should ensure all first-arriving apparatus are staffed with a minimum of four qualified personnel (to meet NFPA standards) who are capable of initiating the suppression response. Ultimately, SAFER Grantees should achieve more efficient responses and safer incident scenes thereby ensuring communities have improved protection from fire and fire-related hazards.

The FY 2013 SAFER Grant plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation. Delivering core capabilities requires the combined effort of the whole community, rather than the exclusive effort of any single organization or level of government.

The FY 2013 SAFER Grant's allowable costs support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas. Examples of tangible outcomes from FY 2013 SAFER include building and sustaining core capabilities, such as Public and Private Services and Resources, and Public Health and Medical Services.

For additional details, please refer to the *National Preparedness Goal, First Edition, September 2011* at <http://www.fema.gov/pdf/prepared/npg.pdf>.

## Criteria Development Process

Each year, FEMA convenes a panel of fire service professionals to develop funding priorities for SAFER Grant opportunities. The panel makes recommendations about funding priorities as well as developing criteria for awarding grants.

The nine major fire service organizations represented on the panel are:

- International Association of Fire Chiefs
- International Association of Fire Fighters
- National Volunteer Fire Council
- National Fire Protection Association
- National Association of State Fire Marshals
- International Association of Arson Investigators
- International Society of Fire Service Instructors
- North American Fire Training Directors
- Congressional Fire Service Institute

The content of this SAFER FOA reflects implementation of the criteria development panel's recommendations with respect to the priorities, direction, and criteria for awards. Based on the recommendations, funding priority is given to applications that effectively address the evaluation elements as outlined.

## II. Funding Information

### Award Amounts, Important Dates, and Extensions

Available Funding for the FOA:	\$320,920,083
Projected Number of Applications:	2500
Projected Number of Awards:	300
Projected Award Start Date:	November 1, 2013
Projected Award End Date:	September 30, 2014

Period of Performance: 24 months under the Hiring of Firefighters category; up to 48 months for the Recruitment and Retention of Volunteer Firefighters category

### Period of Performance

Is an extension to the period of performance permitted?  Yes  No

Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

- Reason for delay
- Current status of the activity/activities
- Approved period of performance termination date and new project completion date
- Remaining available funds
- Budget outlining how remaining funds will be expended
- Plan for completion, including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA
- Potential impacts if FEMA does not approve the extension request or approves the request for a shorter period of time than requested

### III. Eligibility Information

Table 1 identifies, in general, eligible entities that can apply for FY 2013 SAFER Funding within each category. For more specific information, also see *IV. Funding Restrictions*.

**Table 1: Eligible Entities**

Entity	Volunteer Fire Departments	Combination Fire Departments	Career Fire Departments	National, state, local, or tribal volunteer firefighter interest organizations
<b>Hiring of Firefighters Category</b> (Hiring/Rehiring of New Firefighters Activity)	✓	✓	✓	
<b>Recruitment and Retention of Volunteer Firefighters Category</b>	✓	✓		✓

#### Ineligible Applicant Types (under this announcement)

- Federal fire departments and fire departments under contract to the Federal Government whose sole responsibility is the suppression of fires on federal installations or lands
- For-profit fire departments and organizations (i.e., fire departments that do not have specific nonprofit status or that are not municipally based)
- Ambulance services, emergency medical service organizations, rescue squads, auxiliaries, dive teams, and urban search and rescue teams
- Non-federal airport or port authority fire departments whose sole responsibility is suppression of fires on the airport grounds or port facilities, unless the airport/port fire department has a formally recognized arrangement with the local jurisdiction to provide fire suppression on a first-due basis outside the confines of the airport or port facilities
- Fire stations that are part of, controlled by, or under the day-to-day operational direction of a larger fire department or agency, or are not independent
- State and local agencies, such as forest service, fire marshals, emergency management offices, hospitals, and training offices
- Career fire departments (under the Recruitment and Retention Category)

### Ineligible Applicant Types (under this announcement)

- National, state, local, or tribal organizations representing the interests of volunteer firefighters, supporting firefighter volunteerism, or otherwise having an interest in volunteer firefighters (under the Hiring of Firefighters Category)

## IV. Funding Restrictions

### Restrictions on Use of Award Funds

DHS grant funds may only be used for the purpose set forth in the grant and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the Federal Government or any other government entity.

Pre-award costs are not allowable for SAFER Hiring Grants except for grant writer fees under the SAFER Recruitment and Retention Grants.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

- **Volunteer Fire Departments and Combination Fire Departments** may apply for funding under both categories (Hiring of Firefighters, Recruitment and Retention of Volunteer Firefighters). If the applicant wishes to apply for both categories, separate applications must be completed for each category.
  - Applicants are limited to one application for Recruitment and Retention and one application for hiring per application period. If an applicant submits two applications for the same category during a single application period, both applications will be disqualified.
- **Career Fire Departments** may apply for funding only under the Hiring of Firefighters category. Applicants are limited to one application during a single application period. If an applicant submits two applications for the same category during a single application period, both applications will be disqualified.
  - Municipalities and fire districts may submit applications on behalf of fire departments lacking the legal status to do so, such as those under the support of the municipality or district. Each eligible applicant is limited to one application for hiring per application period.
- **National, State, Local, or Tribal Organizations** representing the interests of volunteer firefighters and individual fire departments (volunteer or combination) may apply for funding under Recruitment and Retention of Volunteer Firefighters category.
  - Applicants are limited to one application for recruitment and retention per application period. If an applicant submits two applications for the same category during a single application period, both applications will be disqualified.

For additional details on restricted use of funds, see *Appendix B*.

### Hiring of Firefighters Category – Eligible Costs

The only allowable costs under the Hiring of Firefighters Category, for new or rehired firefighters, are salary and associated benefits (actual payroll expenses).

SAFER Funding will pay for the total salary and benefit costs for each funded position.

Firefighters that are current employees or hired prior to the award date, except under the retention activity, are not eligible.

- Salaries and benefits of firefighters hired under SAFER Funding while they are engaged in training are eligible.
- Overtime costs are not eligible. However, costs for overtime that fire departments routinely pay as a part of the base salary or the firefighter's regularly scheduled and contracted shift hours in order to comply with the Fair Labor Standards Act (FLSA) are eligible.
- Only full-time positions will be funded. A full-time position is one position that is funded for at least 2,080 hours per year, i.e., 40 hours per week, 52 weeks per year. However, recognizing many departments have shifts exceeding a 40-hour workweek, FEMA also will consider funding the job-sharing of a full-time position if the grantee has sufficient justification. A job-share position is a full-time position occupied by more than one person.

**Example:** A department may hire two part-time staff persons at 28 hours each to fulfill the scheduled work hours of one 56-hour shift position.

### Hiring of Firefighters Category – Ineligible Costs

- Pre-application costs, such as grant writer fees, administrative costs, and indirect costs associated with hiring of firefighters
- Costs to train and equip firefighters (However, the salaries and benefits of firefighters hired under the SAFER Funding while they are engaged in training are eligible.)
- Uniforms and physicals

Volunteer and mostly volunteer fire departments may hire individuals to fill officer-level positions (e.g., chief, fire inspector, training officer, safety officer). However, as the goal of SAFER Grants is to enhance incident scene safety, all applicants must certify that the primary assignment (more than 50 percent of duties) of all SAFER-funded Firefighters will be an operational assignment (fire suppression) regardless of collateral duties.

## Recruitment and Retention Category – Eligible Costs

Applicants must correlate the activities for which funding is being requested and the identified recruitment or retention problems or issues being addressed. Additionally, FEMA will not fund activities if an applicant has not provided sufficient information detailing how an activity being funded will enhance recruitment and retention.

The limited funding available for SAFER activities precludes the award of funding for operational activities, such as the purchase of firefighting equipment and vehicles. Personal protective clothing may be funded for newly recruited firefighters, but personal protective equipment for other types of members or existing members is not eligible.

Applicants who propose to focus on retention of volunteers will receive equal consideration as applicants focusing on recruitment of volunteers. A focus on retention may include providing incentives for volunteer firefighter members to continue service in a fire department. All funded activities under Recruitment and Retention must be governed by formally adopted Standard Operating Procedures (SOPs). Minimally, these SOPs should specify who qualifies for each of the incentives, specific requirements for earning the incentives, and the disposition of the awarded incentives if an individual fails to fulfill the stipulations.

Examples of initiatives that may receive funding include but are not limited to:

- Nominal stipends for firefighters where the primary duty is an operational assignment (fire suppression) regardless of collateral duties. Departments may want to consult their jurisdiction to understand the full legal/financial implications involved with implementing/sustaining a program. Federal funding should not be used to supplant an existing program.
- Insurance packages such as Accidental Death and Dismemberment (AD&D), disability, health, dental, life
- Reimbursement to members while attending required basic training (e.g., compensation for lost wages, mileage, lodging, per diem)
- Marketing costs to recruit new volunteer members
- Station internet access
- Computers in common areas
- LED/electronic signs (note: 75 percent of usage must be dedicated to Recruitment and Retention activities – additional restrictions apply; see the Environmental Historic Preservation Review section under *Appendix A*)
- Station duty uniforms for new recruits (pants, shirts, hats)
- Non-uniform clothing (t-shirts, jackets, pullovers, etc.) when as part of an award program
- Station modifications (e.g., converting space into bunkroom - restrictions apply; see the Environmental Historic Preservation (EHP) Review section under *Appendix A*)
- Salary and benefit costs for a recruitment and retention coordinator



## Recruitment and Retention Category – Eligible Costs

- Physicals (consistent with NFPA 1582) for new recruits only
- Explorer, cadet, and mentoring programs (See *Appendix A, Other Allowable Costs*)
- Staffing needs assessment
- Administrative costs up to three percent of the total awarded amount in accordance with 2 CFR Part 225, Cost Principles for state, local, and tribal governments (OMB Circular A-87) or 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122), as applicable. Applicants may apply for administrative costs if the costs are directly related to the implementation of the program for which they are applying. Administrative costs are identifiable costs directly associated with the implementation and management of the grant and **cannot exceed three percent of the award**.
- Tuition assistance for higher education (including college tuition and not limited to firefighter training or education) and professional certifications (Note: coursework or certifications in this category should be more advanced than what the department typically funds for required minimum-staffing requirements).
- Books and lab fees for higher education or professional certification (not including computers)
- Costs for training not currently covered under the department's operating budget
- Awards program for participation in operational activities, like operational training and/or responding to incidents (e.g., length of service plaques, gift cards, non-uniform clothing). However, payments may not be retroactive for service prior to the award.
- New Length of Service Award Programs (LOSAP) (funding of existing programs or retroactive payments are not eligible)
- Mileage reimbursement for operational activities
- Personal protective clothing gear for new recruits after they have successfully passed an NFPA 1582 compliant physical
- Applications for funding in the Recruitment and Retention category could include activities requiring up to four years to complete (with proper justification)
- Indirect costs for national, state, local, or tribal volunteer firefighter interest organizations that have a federally approved indirect cost rate agreement

## Recruitment and Retention Category – Ineligible Costs

- Salary and benefits for firefighters
- Costs incurred prior to award except for grant writer fees
- Fire suppression equipment/vehicles

### Recruitment and Retention Category – Ineligible Costs

- Communication equipment including cell phones, pagers, portable radios, or Computer-Aided Dispatch (CAD) systems
- Retroactive payments or recognition for service prior to award
- Cash payments for non-operational activities
- Payments for travel to or participation in leisure activities such as theatre tickets, entertainment tickets, and trips (professional sporting events, etc.)
- Costs associated with award banquets, such as food, refreshments, entertainment, or rental facilities. Reimbursement for actual awards (e.g., plaques, and trophies) is eligible.
- Costs for training currently covered under the department's operating budget, such as tuition or instructor fees for department-mandated, basic-level training
- Services at a member's personal residence (e.g., internet access, plowing of driveways)
- Furniture (except for newly converted bunkrooms), televisions, fixtures, appliances (e.g., refrigerators), entertainment equipment
- "Giveaways" such as pencils, pens, t-shirts, cups, mugs, or balloons, for recruitment events
- Fees for courses and training that are available free of charge on the internet or at a state/local training facilities (e.g., NIMS 100, 700, 800)

## V. Application Review and Selection Information

### Application Review Information

All complete and eligible applications are evaluated relative to SAFER Grant funding priorities. Answers to activity-specific questions as well as information submitted under the Department Characteristics section of the application will determine an application's standing relative to stated priorities. This initial evaluation assesses how closely each application matches the program's established priorities (see information on the funding priorities in *Appendix A*).

Applications most consistent with the SAFER Grant funding priorities score higher in the automated evaluation. Automated evaluation scores are combined with peer review evaluation scores, with each score representing 50 percent of the total application score.

A panel of at least three Peer Review Panelists performs the second phase of an application's evaluation. These panelists evaluate the application using the Narrative Statement, answers to the general questions, and answers to the activity-specific questions. Each application is judged on its own merits against established criteria and is not compared to other applications.

Panelists will evaluate and score the following criteria:

## **1. Hiring of Firefighters Category Narrative Elements**

The Narrative Statement for applications requesting funding in this category must include Elements A through F. Each element will be evaluated independently by a Peer Review Panelist. The relative weight of the evaluation criteria in the determination of the grant award is listed below.

### **A. Project Description (30%)**

- This statement should describe why the applicant needs the grant funds.
- It should include how the requested firefighters will be used within the department and a description of the specific benefit these firefighters will provide for the fire department and community.
- If the applicant is requesting funding under the Rehiring of Firefighters activity, the narrative should provide details as to when and why the vacancies occurred and how the vacancies have affected the service to the community.
- Applications must discuss how the grant would enhance the department's ability to protect critical infrastructure.

### **B. Impact on Daily Operations (30%)**

- This statement should explain how the community and current firefighters are at risk without the requested firefighters and to what extent that risk will be reduced if the applicant is awarded.
- Applications should discuss the impact the funded positions will have on NFPA compliance.

### **C. Financial Need (30%)**

- This statement should explain the applicant's organizational budget and its inability to address the need without federal assistance, including other actions the applicant has taken to meet their staffing needs.

### **D. Cost Benefit (10%)**

- Applicants should explain any benefits the department or community will realize if the project described is funded (e.g., anticipated savings, efficiencies).

### **E. Performance (Additional Consideration)**

- Applicants should explain their proven record of accomplishment for timely project completion and satisfactory performance of other Assistance to Firefighter Grants (AFG), FP&S, and SAFER Awards.

## **F. Veterans Preference (Additional Consideration)**

- Applicants should explain existing policy to recruit military veterans.

## **2. Recruitment and Retention of Volunteer Firefighters Activity Narrative Elements – Fire Departments**

The Narrative Statement for applications requesting funding in this category must include Elements A through E. Each element will be evaluated independently by a Peer Review Panelist. The relative weight of the evaluation criteria in the determination of the grant award is listed below:

### **A. Project Description (30%):**

- This statement should describe how the applicant will use the grant funds.
- It should include how the recruitment of new volunteer firefighters or retention of current volunteer firefighters will impact the department's identified operational needs or capabilities.
- Applicants should describe the specific benefit these firefighters will provide for the fire department(s) or community.
- It should also identify and describe the department's recruitment or retention problems or issues, and how the requested activities will address those needs.
- Applicants should identify the specific goal of the recruitment and retention plan and how it will be implemented.
- If the grant will have a regional impact, specific information should be included about which activities are part of the regional request and which activities are exclusive to a host applicant, if applicable.

### **B. Impact on Daily Operations (30%):**

- Applicants should describe how the community and current firefighters are at risk without the requested firefighters, and to what extent that risk will be reduced if the applicant is awarded.

### **C. Financial Need (30%)**

- This statement should explain the applicant's organizational budget shortfalls and its inability to address the need without federal assistance, including other actions the applicant has taken to meet their staffing needs.

### **D. Cost Benefit (10%)**

- Applicants should explain any benefits the department or community will realize if the project described is funded (e.g., anticipated savings, efficiencies).

- This statement should explain the high benefit for the costs incurred and if these costs are reasonable.
- This statement should also provide justification for the budget items relating to the cost of the requested items.

#### **E. Performance (Additional Consideration)**

- Applicants should explain their proven track record for timely project completion and satisfactory performance in other AFG, FP&S, and SAFER Awards.

### **3. Recruitment and Retention of Volunteer Firefighters Activity Narrative Elements – National, state, local, or tribal volunteer firefighters interest organizations**

The Narrative Statement for applications requesting funding in this category must include Elements A through E. Each element will be evaluated independently by a Peer Review Panelist. The relative weight of the evaluation criteria in the determination of the grant award is listed below:

#### **A. Project Description (30%):**

- This statement should describe how the applicant will use the grant funds.
- It should include how the recruitment of new volunteer firefighters or retention of current volunteer firefighters will impact the identified operational needs or capabilities of the fire departments participating in the application.
- Applicants should describe the specific benefit these firefighters will provide for the fire department(s) and their respective communities.
- Applicants should identify and describe the department's recruitment or retention problems or issues, and how the requested activities will address those needs.
- Applicants should identify the specific goal of the recruitment and retention plan and how it will be implemented.

#### **B. Impact on Daily Operations (30%):**

- This statement should include how the region and/or all the fire departments (participating in this application), communities, and their current firefighters are at risk without the requested firefighters, and to what extent that risk will be reduced if the grant is awarded.

### **C. Financial Need (30%)**

- Applicants should explain their organizational budget shortfalls and their inability to address the need without federal assistance, including other actions the applicant has taken to meet their staffing needs.

### **D. Cost Benefit (10%)**

- This statement should explain any benefits the applicant or their community will realize if the project described is funded (e.g., anticipated savings, efficiencies).
- Applicant should describe if there is a high benefit for the costs incurred and if costs are reasonable.
- Applicants should also provide justification for the budget items relating to the cost of the requested items.

### **E. Performance (Additional Consideration)**

- Applicants should explain their proven track record for timely project completion and satisfactory performance in other AFG, FP&S, and SAFER Awards.

## **VI. Post-Selection and Pre-Award Guidelines**

### **Notice of Award**

All successful applicants for all DHS grant and cooperative agreements are required to comply with DHS Standard Administrative Terms and Conditions available within Section 6.1.1 of <http://www.dhs.gov/xlibrary/assets/cfo-financial-management-policy-manual.pdf>.

Upon approval of an application, the award will be made in the form of a grant. The date the approval of award is entered in the system is the “award date.” Notification of award approval is made through the e-Grant system through an automatic e-mail to the grantee point of contact listed in the initial application. Once an award has been approved and recorded in the system, a notice is sent to the authorized grant official. Follow the directions in the notification to accept your award documents. The authorized grant official should carefully read the award package for instructions on administering the grant and to learn more about the terms and conditions associated with responsibilities under federal awards.

SAFER will evaluate and act on applications within 90 days following the close of the application period. It is projected that all awards will be made no later than September 30, 2014.

## Administrative and Federal Financial Requirements

Grantees are obligated to submit various financial and programmatic reports as a condition of their award acceptance. Please see below for a summary of financial and programmatic reports as required.

**Future awards and funds drawdown may be withheld if these reports are delinquent.**

**1. Federal Financial Reports (SF-425) Required Semi-Annually (For SAFER).** Recipients of SAFER Grants awarded on or after October 1, 2009, are required to submit semi-annual Federal Financial Reports (FFR, SF-425). The FFR, to be submitted using the on-line e-Grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients are required to submit an FFR throughout the entire period of performance of the grant. Reports are due no later than July 30 for the period January 1-June 30 and no later than January 30 for the period July 1-December 31.

**2. Grant Closeout Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be de-obligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawn down but remain as unspent on grantee financial records.

## Program Performance Reporting Requirements

**1. SAFER Quarterly (Programmatic) Performance Report.** The awardees will be responsible for providing updated obligation and expenditure information on a quarterly basis. The applicant is responsible for completing and submitting a programmatic Performance Report using the e-Grants system. The programmatic Performance Report is due within 30 days of the end of each of the grant's quarters. Quarters are based on the grant's period of performance.

**2. Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring may be accomplished through either a desk-based review or on-site monitoring visits, or both. Monitoring will involve the review and analysis of the financial, programmatic, performance, compliance and administrative processes, policies, activities, and other attributes of each federal assistance award, and will identify areas where technical assistance, corrective actions, and other support may be needed.

The recipient is responsible for monitoring all sub-award activities to ensure compliance with federal and state laws, regulations, and guidance. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, reporting and refunding expenditures disallowed by audits, monitoring, or other assessments and reviews.

**3. Reporting requirements under the *Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Public Law 109-282)*, as amended by *Section 6202(a) of the Government Funding Transparency Act of 2008 (Public Law 110-252)*.** As defined by the OMB, all new federal awards of \$25,000 or more as of October 1, 2010, are subject to FFATA reporting requirements. “Federal awards” include not only prime awards for grantees, cooperators, and contractors, but also awards to sub-recipients. More information can be found at <http://www.usaspending.gov/news>.

**4. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO’s Government Auditing Standards, located at <http://www.gao.gov/yellowbook>, and OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, located at [http://www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default). Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient’s fiscal year. The state shall require that sub-grantees comply with the audit requirements set forth in OMB Circular A-133. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

The grantee shall give FEMA, the sponsoring agency, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant, and the use and management of these funds.

**5. Required performance and financial reports for Grant Closeout.** Final performance report narrative (within the Closeout module in e-Grants) is due 90 days after the end of the period of performance. The Final SF-425 is due 90 days after the end of the grant period.

## VII. DHS FEMA Contact Information

### Contact and Resource Information

This section describes several resources that may help applicants in completing a FEMA Grant Application. These points of contact are also available for successful applicants who may require assistance during execution of their award

### Financial and Administrative Information

**SAFER Help Desk:** The SAFER Program staffs a Help Desk throughout the application period. The Help Desk can provide assistance with navigation through the automated application, as well as provide programmatic assistance with respect to questions of eligibility. The Help Desk can be contacted at (866) 274-0960 or via e-mail at [firegrants@dhs.gov](mailto:firegrants@dhs.gov). The Help Desk hours of operation during the application period are from 8:00 a.m. to 4:30 p.m., Monday through Friday. All times listed are eastern daylight times.

**Grant Programs Directorate (GPD):** FEMA GPD’s Grant Operations will provide pre- and post-award administration and technical assistance for the grant programs included in this solicitation.



Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail at [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov).

**FEMA Regional Fire Program Specialists:** Each of the FEMA regions has specialists that can assist applicants with the application process. For information on your Regional Specialist, visit <http://www.fema.gov/fire-grant-contact-information>.

- 1. GPD Environmental Planning and Historic Preservation (GPD-EHP).** General guidance for GPD grantees and sub-grantees to comply with the EHP review process is provided in the EHP Supplement (URL). The FEMA GPD-EHP Team also provides guidance and information about the EHP review process to grantees and sub-grantees. All inquiries and communications about GPD projects or the EHP review process, including the submittal of EHP review materials, should be sent to [gpdehpinfo@fema.gov](mailto:gpdehpinfo@fema.gov). EHP Technical Assistance, including the EHP Screening Form, can be found at [https://www.rkb.us/ehp\\_docs.cfm](https://www.rkb.us/ehp_docs.cfm).

### Programmatic Information

**Centralized Scheduling and Information Desk (CSID):** CSID is a non-emergency comprehensive management and information resource developed by DHS for grants stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information at the federal, state, and local levels. CSID can be reached by phone at (800) 368-6498 or by e-mail at [ASKCSID@dhs.gov](mailto:ASKCSID@dhs.gov), 9:00 AM – 5:30 p.m., Monday through Friday. All times listed are eastern times.

### Systems Information

**e-Grant:** For technical assistance with the e-Grant system, please contact the AFG Help Desk. The Help Desk can be contacted at (866) 274-0960 or by e-mail at [firegrants@dhs.gov](mailto:firegrants@dhs.gov).

## VIII. Other Critical Information

### National Incident Management System (NIMS) Implementation

Prior to allocation of any federal preparedness awards in FY 2013, grantees must ensure and maintain adoption and implementation of NIMS.

Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment and/or supplies) to meet incident needs. Utilization of the standardized resource management concepts such as typing, inventorying, and cataloging promote a strong national mutual aid capability needed to support delivery of core capabilities. Additional information on resource management and national Tier I NIMS Resource Types can be found at <http://www.fema.gov/resource-management>.

FEMA has developed the NIMS Guideline for Credentialing of Personnel to describe national credentialing standards and to provide written guidance regarding the use of those standards. This guideline describes credentialing and typing processes, and identifies tools which Federal Emergency

Response Officials (FEROs) and emergency managers at all levels of government may use both routinely and to facilitate multijurisdictional coordinated responses.

Although state, local, tribal, and private sector partners—including nongovernmental organizations—are not required to credential their personnel in accordance with these guidelines, FEMA strongly encourages them to do so in order to leverage the federal investment in the Federal Information Processing Standards (FIPS) 201 infrastructure and to facilitate interoperability for personnel deployed outside their home jurisdiction. Additional information can be found at [http://www.fema.gov/pdf/emergency/nims/nims\\_alert\\_cred\\_guideline.pdf](http://www.fema.gov/pdf/emergency/nims/nims_alert_cred_guideline.pdf)

## IX. How to Apply

### Application Instructions

Applications under the FY 2013 SAFER will be accessible at <https://portal.fema.gov>. The application will also be linked via the US Fire Administration's (USFA) Web site <http://www.usfa.fema.gov> and the grants.gov Web site <http://www.grants.gov>.

The automated e-Grant application was designed with many built-in help screens and drop-down menus to assist with the application process.

The AFG on-line application system ONLY supports Internet Explorer (IE) browsers (IE 6 or higher).

- Do not use any other browsers than IE when entering your information.
- Do not have multiple browsers (“windows”) open when entering your information, even if you are using IE.

There are several known problems entering application information using non-IE browsers, or having multiple browsers open, including but not limited to:

- System failure to recognize correct information
- System failure to capture and retain correct information
- System functions like “cut and paste” being disabled
- System resources like Help screens or drop down menus being unavailable

There is no appeal process for inaccurate or incomplete information retained by the system due to improper or multiple browser usage by the applicant. Prior to submission and up to the application deadline, the on-line application can be saved, retrieved, and edited as required.

Applicant tools and Frequently Asked Questions (FAQs) will be posted on the AFG Web site <http://www.fema.gov/firegrants>.

**IMPORTANT: Once you have submitted your application, you cannot change it.** You will not be allowed to update your application for any reason(s). Your primary point-of-contact will automatically be notified via e-mail once your application is received.

## X. Application and Submission Information

**NOTE:** Application information **must** match your organization's SAM.gov profile.

- Is your SAM Profile marked PRIVATE? If so, FEMA Grants Management Specialists will not be able to verify your active SAM registration. We recommend that you mark your SAM profile PUBLIC. Sensitive banking and financial data are not revealed in the public profile.
- Application via e-Grants system: Eligible applicants apply for SAFER Funding on-line via the e-Grants application at <https://portal.fema.gov>. The system will allow an authorized representative to login and create a username and password.
- User Name/Password: If you have submitted any Assistance to Firefighters Grants (AFG, SAFER, FP&S, SCG) applications in a previous grant cycle, then you must continue to use the same username, password, and DUNS number for every FY2013 application.
- FY2013 SAFER: On-line applications can only be submitted at <https://portal.fema.gov>.
- Applications will be processed via <http://www.fema.gov/firegrants> (click prompt to access e-Grant application).
- Only applications submitted via the on-line, automated grant application system will receive an email confirmation. Applicants should print a copy of the confirmation for their records upon receiving verification that their application has been successfully submitted. Incomplete applications or applications submitted via any other electronic means, including e-mail or fax, will be considered ineligible.
- To be considered eligible for funding, all applications must be completed and submitted electronically by 5:00 p.m. (EDT) on August 30, 2013.

### 1. Content and Form of Application

**1. Application via e-Grants system:** Eligible applicants apply for SAFER Funding on-line via the e-Grants application at <https://portal.fema.gov>. The system will allow an authorized representative to login and create a username and password.

If you have submitted any Assistance to Firefighters Grants (AFG, SAFER, FP&S, SCG) applications in a previous grant cycle, then you must continue to use the same username and password for every FY2013 application(s). Eligible applicants apply for SAFER Funding on-line via the e-Grants application at <https://portal.fema.gov>. The system will allow an authorized representative to login and

create a username and password. If your organization is submitting more than one FY 2013 application, you must use the same username and password used for prior year applications, as well as for each FY 2013 application.

Applicants will have to completely fill out the following forms as part of the on-line e-Grants application:

- Standard Form 424, Application for Federal Assistance
- Standard Form 424A, Budget Information (Non-construction)
- Standard Form 424B, Standard Assurances (Non-construction)
- Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
- FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements, available at <http://www.fema.gov/library/viewRecord.do?id=2628>

The program title listed in the CFDA is “*Staffing for Adequate Fire and Emergency Response (SAFER)*.” The CFDA number is **97.083**.

**2. Dun and Bradstreet Data Universal Number System (DUNS) Number:** The applicant must provide a DUNS number with their application. This number is a required field within <http://www.grants.gov> and for System for Award Management (SAM) (see below). Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705-5711.

**3. Valid Registration in System for Award Management (SAM), which replaced the Central Contractor Registration (CCR):** The application process also involves an updated and current SAM registration by the applicant at <http://www.sam.gov>. Please ensure that your organization’s name, address, DUNS number, and Employee Identification Number (EIN) are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in SAM; therefore it is imperative that the information is correct.

### **Former CCR Registrants**

If you had an active record in CCR, you have an active record in SAM. You do not need to do anything in SAM at this time, unless a change in your business circumstances requires a change in SAM in order for you to be paid or to receive an award. Also, banking information, EIN, organization/entity name, address, and DUNS number provided in your AFG application must match the information that you provided in SAM.gov. SAM will send notifications to the registered user via email 60, 30, and 15 days prior to expiration of the record. You can search for registered entities in SAM by typing the DUNS number or business name into the search box.

A valid SAM Registration is a requirement to apply for a grant; but if awarded, no funds may be drawn down until a valid registration has been obtained. Per 2 CFR Part 25, all grant applicants must have an active current SAM registration status at the time of application and throughout the duration of any federal award.

The AFG application process also involves an updated and current registration by the applicant, which must be confirmed at <https://www.sam.gov/portal/public/SAM/>.

**4. Telephone Device for the Deaf (TDD) and/or Federal Information Relay Service (FIRS) Number available for this Announcement is: (800) 462-7585:** The automated application is designed with help screens and drop-down lists to assist the applicant throughout the process. Applicants can save and retrieve their work and for updates and revisions through the end of the application period; however, after an application has been completed and submitted, no changes can be made.

The automated system does not allow an applicant to submit an incomplete application. The system alerts the applicant when required information has not been entered. By submitting an application on-line, the applicant will automatically receive an email confirmation that the application was successfully submitted.

The on-line system will allow a single authorized representative of an eligible organization to log on and create a user name and password. The selection of the authorized representative is at the discretion of each applicant. Applicants should record their user name and password for future access to their application.

**5. Hiring a Grant Writer (Recruitment and Retention Only):** Applicants are allowed to hire a grant writer to assist in the application process. Applicants are responsible for ensuring the information contained in their submitted application is a true and accurate reflection of their organization and represents the scope of work being proposed. A copy of the cancelled check and bank statement should be provided upon request.

Applicants are strongly encouraged to review all work produced by grant writers, or other third parties on their behalf, prior to submission of their application. Applications that falsely represent their organization or the proposal in any manner will have their application be considered ineligible by the Program Office and referred to the Office of Inspector General for further action, as appropriate

# Appendix A

## APPLICATION AND REVIEW INFORMATION

### What's New – Fact Sheet

#### Available Funding

Appropriated Amount - \$320,920,083

#### New Tools

**Updated Get Ready Guide** – A handy guide to give you a jump start in prepping your grant application to better prepare you for thoroughly answering the application questions is available at <http://www.fema.gov/firegrants>.

### Funding Opportunity Announcement and Application Kit

- **Appendix A – Application and Review Information**

- **Part I. Funding Opportunity Description**

- Program priorities are listed as High, **H**, Medium **M**, or Low **L**.

- Within each identified program priority (H, M, L), all the proposed activities have an equal value.

- **Part II. Award Information**

- **Part III. Eligibility Information**

- **Part IV. Application and Submission Information**

- **Part V. SAFER Definitions**

- **Appendix B – Award Administration**

- **Part I. Award Administration**

- **Part II. FEMA Contacts**

- **Part III. Other Information**

## Additional Overview Information – Key Changes

- The content of this FOA reflects the Department of Homeland Security (DHS) Secretary and FEMA's implementation of the Federal Fire Prevention and Control Act of 1974, (codified, as amended, at 15 USC §2229a et seq.). Under authorities provided under the Federal Fire Prevention and Control Act of 1974, as amended, the following requirements are being waived for the FY 2013 SAFER Grants Program—
  - **Salary limits:** There are no annual salary limits.
  - **Supplanting requirement:** Grants may be used for the purpose of retaining firefighters currently employed who are facing imminent lay-offs or rehiring laid-off firefighters. If applying to retain firefighters facing lay-offs, applicants will answer questions within the on-line application as if these positions had already been laid off.
  - **Period of performance:** For Hiring of Firefighters Category Grants, the period of performance has been reduced to two years.
  - **Attrition of firefighters during the period of performance:** At the time of award, grantees under the Hiring of Firefighters category must submit a current (pre-SAFER) roster listing paid operational/firefighting personnel in support of NFPA 1710 or NFPA 1720, who are in full-time or job share positions. The program office will work with a grantee to establish the correct staffing maintenance number which combines the number of pre-SAFER and SAFER Hires. Once this is established, grantees must agree to maintain this number throughout the two year period of performance by taking active and timely steps to fill any vacancies.

Grantees who are unable (due to documentable economic hardship) to backfill firefighting positions that were vacated through attrition (e.g., resignation, retirement) may petition FEMA for a waiver of staffing maintenance requirements. An approved waiver allows a grantee to decrease and reestablish the staffing maintenance number agreed to at the time of award by the number of positions that a grantee is unable to fill. In order to qualify for this waiver, the economic hardship must affect the entire public safety sector in a grantee's jurisdiction, not only the fire department. **Waivers will not be granted for SAFER-funded Positions. Grantees who fail to maintain this level of staffing risk losing the federal funds awarded under this grant.**
- National, state, local, or tribal volunteer firefighter interest organizations are eligible applicants under the Recruitment and Retention of Volunteer Firefighters category.
- National, state, local, or tribal volunteer firefighter interest organizations may be reimbursed for indirect costs if they have an indirect cost rate proposal that has been approved by FEMA or their cognizant federal agency.
- There are separate evaluation criteria for national, state, local, or tribal volunteer firefighter interest organizations and fire departments applying under the Recruitment and Retention of Volunteer Firefighters category.
  - **CCR to SAM:** Central Contractor Registration (CCR) has been replaced by the System for Award Management (SAM). The System for Award Management (SAM) is a free Web site which consolidates federal procurement systems and the Catalog of Federal Domestic Assistance. Currently CCR, FedReg, ORCA, and EPLS have been migrated into SAM.

- Please visit the SAM Web site at <https://www.sam.gov/portal/public/SAM/>. SAM registration is required to receive a SAFER Award. For details, see Part X. Application and Submission Information.

### **FORMER CCR REGISTRANTS**

If you had an active record in CCR, you have an active record in SAM. You do not need to do anything in SAM at this time, unless a change in your business circumstances requires a change in SAM in order for you to be paid or to receive an award. Also, banking information, Employee Identification Number (EIN), organization/entity name, address, and DUNS number provided in your AFG application must match the information that you provided in SAM.gov. SAM will send notifications to the registered user via email 60, 30, and 15 days prior to expiration of the record. You can search for registered entities in SAM by typing the DUNS number or business name into the search box.

### **Key Dates and Time:**

Application Start Date: July 29, 2013 (8:00 a.m. EDT)

Application Submission Date: August 30, 2013 (5:00 p.m. EDT)

### **Help FEMA Prevent Fraud, Waste and Abuse**

If you have information about instances of fraud, waste, abuse, or mismanagement involving FEMA programs or operations, you should contact the DHS OIG Hotline at (800) 323-8603; by fax at (202) 254-4297; or e-mail [DHSOIGHOTLINE@dhs.gov](mailto:DHSOIGHOTLINE@dhs.gov).



# Part I - FUNDING OPPORTUNITY DESCRIPTION

## A. Introduction

The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs Directorate implements and administers the SAFER Grants.

SAFER Grants provides funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained, "front line" firefighters available in their communities.

FY 2013 SAFER is a competitive/discretionary grant program comprised of two categories:

- **Hiring of Firefighters** (Career, Combination, and Volunteer Fire Departments)
- **Recruitment and Retention of Volunteer Firefighters** (Combination and Volunteer Fire Departments and national, state, local, or tribal organizations that represent the interests of volunteer firefighters)

### SAFER Goal

Assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, assuring communities have adequate protection from fire and fire-related hazards.

### Maintenance of Staffing Requirement

For Hiring of Firefighters Category Grants, FY 2013 grantees who are unable to hire firefighters to fill positions that were vacated due to documentable economic hardship may petition FEMA for a waiver of staffing maintenance requirements. An approved waiver allows a grantee to decrease and reestablish the staffing maintenance number agreed to at the time of award by the number of positions that a grantee is unable to fill. In order to qualify for a waiver, the economic hardship must affect the entire public safety sector in your jurisdiction, and not only the fire department. Waivers will not be granted for SAFER-funded positions.

### Period of Performance

For Hiring of Firefighters Category Grants, the period of performance is two years.

## Salary Cap Waiver

There are no annual salary limits.

## Retention of Firefighters

For Hiring of Firefighters Category Grants, applicants may apply to retain firefighters who have been issued a formal layoff notice, which includes a specific date for the layoff action, prior to the start of the application period, and those who face imminent layoff – within 120 days of the close of the application period.

## Layoffs

For Hiring of Firefighters Category Grants, SAFER Grantees that lay off any firefighters during the SAFER Grant's period of performance will be considered in default of their award and the grant will be terminated.

# 1. Hiring of Firefighters Category

The highest priority in the Hiring of Firefighters Category is for departments seeking to rehire firefighters who have been laid off.

## Hierarchy of Priorities

- **First priority:** Rehiring laid-off firefighters
- **Second priority:** Retention of firefighters who face imminent layoff or filling positions vacated through attrition but not filled due to economic circumstances
- **Third priority:** Hiring new firefighters

### a. Rehiring of Firefighters Activity

There are three subcategories under the Rehiring of Firefighters Activity:

- Rehiring of laid-off firefighters
- Retention of firefighters facing possible layoffs
- Filling of positions vacated through attrition

These grants are awarded directly to volunteer, combination, and career fire departments to enable restoration of staffing levels to attain a more effective level of response and a safer incident scene.

Please note the following conditions under the Rehiring of Firefighters Activity:

- Funding provides fire departments with money to pay the salaries and benefits (exclusive of overtime) for grants awarded under the rehiring, retention, and attrition subcategories.
- Grantees must maintain operational staffing at the level that existed at the time of award as well as the SAFER-funded staffing for the two-year SAFER Grant Period of Performance
- Laying off firefighters during the two-year grant period of performance will result in termination of the grant award.
- Only firefighters hired or rehired after the SAFER Grant Award date, except if applying under the Retention subcategory, are eligible for grant funding.

### Rehiring

- Eligible positions for funding under the Rehiring of Laid-Off Firefighters activity must have been the object of a layoff between January 1, 2008, and the application deadline (**August 30, 2013**).

### Retention

- Firefighters who have been issued a formal layoff notice, which includes a specific date for the layoff action, prior to the start of the application period, and those who face imminent layoff – within 120 days of the close of the application period – will be eligible for SAFER Funding under the Retention subcategory.
- The application period closes on August 30, 2013. The layoffs must become effective on or before December 28, 2013.
- Note: Any layoff action not executed in accordance with the terms of the official layoff notice or which does not meet the above requirements may not qualify for funding in the rehiring of laid-off firefighters or retention categories. **Applicants that do not meet these parameters must apply under the Attrition subcategory or Hiring New Firefighters Activity.**

### Attrition

- Eligible vacancies for funding under the Attrition subcategory must have occurred between January 1, 2008, and the start of the application period.

## **b. Hiring of New Firefighters Activity**

### New Hire

- FEMA has set aside 15 percent of the FY 2013 appropriation for hiring new firefighters.
- Grants for hiring new firefighters are awarded directly to volunteer, combination, and career fire departments to help fire departments increase their cadre of frontline firefighters.

- Funding provides fire departments with money to pay the salaries and benefits of newly hired firefighters (exclusive of overtime).
- Grantees must maintain operational staffing at the level that existed at the time of award as well as the SAFER-funded Staffing for the two-year SAFER Grant Period of Performance.
- Laying off firefighters during the grant period of performance will result in termination of the grant award.
- Only firefighters hired after the SAFER Grant Award date are considered new hires and eligible for grant funding.

### c. Meeting National Standards

It is a FEMA priority to bring non-compliant (NFPA 1710 or 1720) departments back into compliance in the most cost-effective manner.

Applicants will be asked general questions about the NFPA standard they are attempting to meet as well as their current ability to meet that standard (without including the use of overtime). Applicants will also be asked to indicate what their ability will be to meet that same standard if awarded grant funds.

Having additional firefighters on staff should improve a local fire department's ability to comply with the staffing, response, and operational standards that enhance community and firefighter safety.

Applications resulting in the largest percentage increases in compliance with the relevant section of NFPA 1710 (for career departments) or 1720 (for volunteer departments) receive higher consideration than applications resulting in smaller percentage increases in compliance.

**Note:** SAFER Grants focus only on the Deployment or Staffing and Deployment sections of these two standards, respectively.

**NFPA 1710 Assembly Requirements:** Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (*Section 5.2.4.2 – Initial Full Alarm Assignment Capability*)

This standard applies primarily to all-career fire departments and combination departments if the combination department chooses it.

**NFPA 1720 Assembly Requirements:** Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments (*Section 4.3 – Staffing and Deployment*)

This standard applies primarily to all-volunteer fire departments, but it may also apply to combination departments if the combination department does not choose to comply with the NFPA 1710 standard. The tables below identify the priority levels for current and new compliance with the NFPA 1710/1720 standard.

### Current 1710/1720 Compliance Priorities

<b>H</b> Never or 0%	<b>M</b> Half the time or 40-59%
<b>H</b> Rarely or 1-19%	<b>L</b> Very often or 60-79%
<b>M</b> Sometimes or 20-39%	<b>L</b> Most of the time or 80-99%

### New 1710/1720 Compliance Priorities

<b>H</b> Always or 100%	<b>M</b> Half the time or 40-59%
<b>H</b> Most of the time or 80-90%	<b>L</b> Sometimes or 20-39%
<b>M</b> Very often or 60-79%	<b>L</b> Rarely or 1-19%

### Need More Information?

For more information about these two standards, visit <http://www.nfpa.org>.

For more information on the standards, contact NFPA at (800) 344-3555 or e-mail questions to [stds\\_admin@nfpa.org](mailto:stds_admin@nfpa.org).

#### **d. Call Volume and Population Served**

Department call volume and population served are both factors in the initial application evaluation. Departments responding to a higher number of incidents and departments who protect larger numbers of people will receive higher consideration than those departments responding to fewer incidents and protecting smaller jurisdictions.

#### **e. Firefighter Health Measures**

The health and wellbeing of firefighters is of paramount importance. Therefore, applicants who indicate newly recruited firefighters will undergo an entry-level physical and receive immunizations receive higher consideration than applicants who do not specify these benefits will be provided. To qualify for this higher consideration, the physicals must be consistent with those required under NFPA 1582 Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members.

### Entry-Level Medical Exams

**H** NFPA 1582-compliant physicals

**M** Non-NFPA-compliant physicals

### Annual Medical Exams

**H** NFPA 1582-compliant physicals

**M** Non-NFPA-compliant physicals

## f. Automatic and Mutual Aid

### Automatic and Mutual Aid

**H** Fire departments that have formal automatic and/or mutual aid agreements, and applicants that based requests on a staffing needs assessment, also receive higher consideration.

## g. Training Requirements

### Minimum Emergency Medical Services (EMS) certification

**H** Applicants will receive higher consideration if the personnel funded under the grant will meet the minimum EMS certification requirements prescribed by the locality or state having jurisdiction.

## 2. Recruitment and Retention of Volunteer Firefighters Category – Fire Departments

The purpose of these grants is to assist fire departments with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

The grants are intended to create a net increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies within the grantee's response area.

### a. Meeting Staffing Standards

The goal under this SAFER Category is to assist departments experiencing a high rate of turnover and have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 (for details, see c. Meeting National Standards under 1. Hiring of Firefighters Activity).

Departments who currently have the lowest recruitment and retention rates are given a higher consideration for funding.

**b. Volunteer Membership**

Departments or organizations with the highest percentage of volunteers should benefit the most from the recruitment and retention of volunteer firefighters. Therefore, applicants whose membership is comprised of mostly volunteer members, or have a significant number of volunteer firefighters, receive higher consideration.

Percentage of Volunteers	
<b>H</b> 91-100%	<b>M</b> 41-50%
<b>H</b> 81-91%	<b>M</b> 31-40%
<b>H</b> 71-80%	<b>L</b> 21-30%
<b>H</b> 61-70%	<b>L</b> 11-20%
<b>M</b> 51-60%	<b>L</b> 1-10%

**c. Recruitment/Retention Plan**

It is critical to have a plan for recruitment and/or retention activities. Applications requesting funding for recruitment and/or retention programs should be based on formal plans. Applicants must summarize the departments’ recruitment and retention plans in the Narrative Statement and explain how the projects/activities will fulfill the plans and meet organizational goals.

R&R Priorities	
<b>H</b> Organizations that perform a periodic evaluation of the program’s impact	<b>H</b> Requests from organizations that have a coordinator and marketing plan
<b>H</b> Organizations that request funding for a coordinator’s position and marketing plan	

**d. Call Volume and Population Served**

Department call volume and population served are both factors in the initial evaluation. Departments responding to a higher number of incidents and departments who protect a larger population receive higher consideration.

## e. Firefighter Health Measures

Applicants who indicate the newly recruited firefighters will undergo an entry-level physical and receive immunizations, who indicate they will provide annual medical exams, and who provide worker's compensation/Accidental Death & Dismemberment (AD&D) benefits to their members receive higher consideration than applicants who do not specify these benefits will be provided.

An application may include a request for physicals or annual medical exams. In order to receive the grant, funding for the physicals and medical exams must be consistent with those required under NFPA 1582, Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members.

Entry-Level Medical Exams	
<b>H</b> NFPA 1582-compliant physicals	<b>M</b> Non-NFPA-compliant physicals

Annual Medical Exam	
<b>H</b> NFPA 1582-compliant physicals	<b>M</b> Non-NFPA-compliant physicals

Worker's Compensation/Accidental Death & Dismemberment (AD&D)	
<b>H</b> Applicants who currently provide worker's compensation/accidental death and dismemberment insurance receive a higher competitive rating.	<b>M</b> Applicants who plan to supply worker's compensation/accidental death and dismemberment insurance with grant funds receive a more competitive rating.

## f. Training Requirements

Timeliness of Training
<b>H</b> Applicants will receive higher consideration if they will train the newly recruited firefighters to meet the minimum fire and EMS certification requirements prescribed by the locality or state within 24 months of appointment to the department.



Training and Certification	
<b>H</b> FF II/EMT	<b>M</b> FF I
<b>H</b> FF II	<b>L</b> First Responder
<b>M</b> FF I/EMT	

### g. Regional Requests

Requests for recruitment or retention that have a regional impact (i.e., an impact beyond the immediate boundaries of the applicant’s first-due area) will receive higher consideration.

An eligible applicant, which can include a fire department, may act as a “host applicant” and apply for support of both a regional initiative and its own department’s internal needs on one application.

A regional host must include a list of all the participating organizations benefitting from a proposed regional project, and provide clear and detailed information on which activities are regional specific versus those that are host specific.

In order to apply for a regional project, the host fire department must agree, if awarded, to be responsible for all aspects of the grant. This includes, but is not limited to, accountability for the assets and all reporting requirements. SAFER strongly recommends all fire departments involved work together prior to award to achieve consensus on programmatic and financial processes and roles and responsibilities. In the regional application, the host fire department will be required to describe the characteristics of the entire region that will be affected by the project as outlined in *Appendix A, Part IV*.

In completing the Request Details and Narrative Statement sections of the application, the applicant must include a list of participating third-party organizations that will benefit from the regional project if the project is approved. In completing the Department Characteristics section of the application, the regional applicant must include data that approximates the characteristics of all fire departments affected by the grant. The third-party organizations that will benefit from the recruitment and retention project may also apply for funding under SAFER as long as the third-party organizations do not apply for a project that could conflict with or duplicate the host applicant’s project.

**Note:** Only applications submitted under the Recruitment and Retention of Volunteer Firefighter Category qualify for regional project requests. The Hiring of Firefighters Category is not eligible as a regional project.

### 3. Recruitment and Retention of Volunteer Firefighters Category – National, State, Local, or Tribal Volunteer Firefighter Interest Organizations

The purpose of these grants is to assist national, state, local, or tribal organizations that represent the interests of volunteer firefighters with the recruitment and retention of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response.

The grants are intended to create an aggregate increase in the number of trained, certified, and competent firefighters capable of safely responding to emergencies on behalf of the fire departments being represented. In completing the Request Details and Narrative Statement sections of the application, the applicant must include data that approximates the characteristics of the entire region and/or all fire departments affected by the grant as outlined in *Appendix A, Part IV*. If awarded, grantees may be required to provide documentation of each fire department’s consent to participate in the application.

#### a. Meeting Staffing Standards

The goal under this SAFER Category is to assist departments experiencing a high rate of turnover that have staffing levels significantly below the ideal staffing level required to comply with NFPA standards 1710 or 1720 (For details, see c. Meeting National Standards under 1. Hiring of Firefighters Grants earlier in this document).

Organizations that currently have the lowest recruitment and retention rates among the entire **region** and/or **all fire departments** benefiting from the grant funds are given a higher consideration for funding.

#### b. Volunteer Membership

Organizations with the highest percentage of volunteers should benefit the most from the recruitment and retention of volunteer firefighters. Therefore, applicants whose membership is comprised of mostly volunteer members, or have a significant number of volunteer firefighters, receive higher consideration.

Percentage of Volunteers	
<b>H</b> 91-100%	<b>M</b> 41-50%
<b>H</b> 81-91%	<b>M</b> 31-40%
<b>H</b> 71-80%	<b>L</b> 21-30%
<b>H</b> 61-70%	<b>L</b> 11-20%
<b>M</b> 51-60%	<b>L</b> 1-10%

### c. Recruitment/Retention Plan

It is critical to have a plan for recruitment and retention activities. Applications requesting funding for recruitment or retention programs should be based on formal plans. Applicants must summarize the organization's recruitment and retention plans in the Narrative Statement and explain how the projects/activities applied will fulfill the plans and meet organizational goals.

R&R Priorities	
<b>H</b> Organizations that perform a periodic evaluation of the program's impact	<b>H</b> Requests from organizations that have a marketing plan
<b>H</b> Organizations that request funding for a coordinator's position	

### d. Population Served

The combined organizations' population served is a factor in the initial evaluation. Organizations who represent fire departments protecting larger combined numbers of people will receive higher consideration.

## Part II - AWARD INFORMATION

This section summarizes the award period of performance and the total amount of funding available under the FY 2013 SAFER Grants. It also describes the basic method used to determine final grant awards and identifies all eligible applicants for funding.

### **Hiring of Firefighters Category**

For all grantees under the Hiring of Firefighters category for both hiring new firefighters or for rehiring firefighters, a default 90-day recruitment period begins when the application is approved for award.

The two year period of performance automatically starts after the 90-day recruitment period, regardless of whether the grantee has successfully hired the requested firefighters.

If a grantee is able to rehire or hire their SAFER-funded Firefighters during the 90-day recruitment period, the period of performance may begin at that time. For grantees awarded under the Retention category, the period of performance can begin immediately. However, in both cases, grantees must submit an amendment requesting that the period of performance start before the end of the 90-day recruitment period. The period of performance cannot be started later than 90 days after the recruitment period.

### **Recruitment and Retention of Volunteer Firefighters Category**

Funding may be provided for a four-year period of performance. There is a 90-day recruitment period, which begins when the application is approved for award. The recruitment period allows each grantee time to finalize contracts before the start of the period of performance in order to maximize the availability of the funding. Grantees can seek reimbursement for grant-related costs incurred during the recruitment period as long as these costs are in the approved budget and scope of work.

Grantees should be aware if costs incurred during the recruitment period are charged to the grant, this will reduce the overall amount of funds available and budgeted during the period of performance. Payment for these costs may be requested when the period of performance begins. However, if a grantee is able to begin their recruitment or retention activities during the 90-day recruitment period, the period of performance may begin at that time. However grantees must submit an amendment requesting that the period of performance start before the end of the 90-day recruitment period. The period of performance cannot be started later than 90 days after the recruitment period.

## Part III - ELIGIBILITY INFORMATION

### A. Cost Sharing

There is no prescribed cost share for the SAFER Grantees receiving awards from the FY 2013 appropriations.

### B. Other Allowable Costs

In order to help alleviate the financial burden of start-up costs, FEMA will allow Recruitment and Retention Grantees to charge the SAFER Grant for the costs for physicals and Personal Protective Equipment (PPE) for newly recruited members.

Funds are available to acquire primarily OSHA-required and NFPA-compliant PPE for firefighting personnel. Only actual costs are allowed and will be paid on a reimbursable basis. However, the allowable costs may be limited to reasonable amounts, as determined by FEMA.

Grantees are required to provide documentation to support the purchase of the personal protective clothing gear (proof that the firefighter(s) have undergone an NFPA 1582 compliant physical and are certified as “fit for duty”). Equipment requested must meet all current mandatory requirements, as well as any national or state standards and increase firefighter safety. **The following charts contain information on the eligibility of PPE. Copies of NFPA standards may be reviewed at (<http://www.NFPA.org>).**

#### Eligible Personal Protective Equipment (PPE) Expenditures

- One set of PPE for structural **or** wildland firefighting (including SCBA mask/face piece, boots, pants, coats, gloves, hoods, goggles, helmets, coveralls, and fire shelters)
- American National Standards Institute (ANSI)-approved retro-reflective highway apparel

#### Ineligible PPE Expenditures

- Three-quarter length rubber boots
- Self-Contained breathing Apparatus (SCBAs) (not including SCBA masks/face pieces)
- Spare cylinders and individual face pieces
- Bomb disposal suits
- PPE for hazardous materials and other specialized incidents
- More than one set of PPE per member

### Training on Use of Requested Equipment

Applicants must indicate that the grant-purchased PPE will be utilized by adequately trained staff or request appropriate training for the requested items. Failure to meet this requirement may result in ineligibility for PPE funding.

### Physicals

Grantees may request funds for costs incurred for providing the new recruits with physicals. All grant-funded physicals must meet NFPA 1582 standards (Chapter 6, Medical Evaluations of Candidates 6.1 and Chapter 9, Essential Job Tasks — Specific Evaluation of Medical Conditions in Members).

### Remodeling/Renovations of Existing Facilities

The remodeling/renovations to an existing facility are only allowable under the Recruitment and Retention of Volunteer Firefighters Category. The renovations must be minor interior alterations not to exceed \$10,000 (**total per grant award**).

Eligible applicants must provide a cost breakdown in the Request Details section. The costs must be justified in the Narrative Statement section as well.

Remodeling/renovations may not change the footprint or profile of the building. Any request for modifications to facilities may require Environmental and Historic Preservation (EHP) review. See below for more information on EHP.

### Explorer/Cadet Programs

Eligible items under these programs include but are not limited to the following:

- Uniforms, boots, gloves, jackets
- Training (Non-Immediate Danger to Life and Health or IDLH)
- Turnout Gear (not to be used in an IDLH atmosphere)
- Insurance
- Coordinator's position
- Workers compensation insurance
- Transportation costs
- Medical exams

Items that are NOT eligible under Explorer/Cadet Programs include the following:

## Explorer/Cadet Programs

- SCBA
- Anything involving the IDLH atmosphere
- Vehicles
- Warning lights for private vehicles
- Any activities precluded by the authority having jurisdiction
- Radios, cell phones, or pagers

## Environmental Historic Preservation (EHP) Review

- Project construction using SAFER Funds may not exceed \$10,000.
- Written approval must be provided by FEMA prior to the use of any SAFER Funds for construction or renovation. If awarded funds for construction, grantees may be required to submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of interest.
- Grantees are encouraged to have completed as many steps as possible for a successful EHP review in support of their proposal for funding (e.g., coordination with their State Historic Preservation Office to identify potential historic preservation issues and to discuss the potential for project effects; compliance with all state and EHP laws and requirements). Projects for which the grantee believes an Environmental Assessment (EA) may be needed, as defined in 44 CFR §§ 10.8 and 10.9, must also be identified to the FEMA Fire Program Specialist within six (6) months of the award.
- SAFER Grantees using funds for construction projects must comply with the *Davis-Bacon Act* (40 USC 3141 *et seq.*). Grant recipients must ensure that their contractors or subcontractors for construction projects pay workers employed directly at the work-site no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor wage determinations, is available from the following Web site <http://www.dol.gov/compliance/laws/comp-dbra.htm>.

## C. Other Funding Restrictions

FEMA Grant Funds may be used only for the purpose outlined in the grant and must be consistent with the statutory authority for the award.

### Grant Fund Restrictions

Grant funds may not be used for matching funds for other federal grants/cooperative agreements, lobbying, or intervention in federal regulatory or adjudicatory proceedings.

In addition, federal funds may not be used to sue the Federal Government or any other government entity. Failure to adhere to the award conditions will cause the grantee to be considered in default of the grant agreement, and may require the return of all federal funds disbursed under the grant.

With the exception of grant writer fees for SAFER Recruitment and Retention Grants, pre-award costs are not allowable for SAFER Grants.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

## **D. Reasonableness of Requests**

The Peer Review Panelists consider all budgeted expenses as part of the cost-benefit determination and may recommend appropriate adjustments. Regardless of the eligibility of any costs requested or the panelists' determination, FEMA reserves the right to reduce any requests for funding, in whole or in part, that it deems excessive or otherwise contrary to the best interests of the program.



## Part IV - APPLICATION AND SUBMISSION INFORMATION

### A. Program Narrative

In the application, fire departments applying for SAFER Grants will be asked general questions about their organization and community, as well as questions specific to the proposed project. National, state, local, or tribal organizations that represent the interests of volunteer firefighters will be asked a number of general questions regarding their organizations and a series of activity-specific questions relative to the Recruitment and Retention Projects they propose and the activities selected. The activity-specific questions allow FEMA to understand the nature of the request and to evaluate how closely the request adheres to the established priorities.

Applicants will also be required to provide a written Narrative Statement describing the planned project. The Narrative Statement of the application must provide specific details of the activity for which applicants are seeking funding, including budget details. Applicants must be sure each of the requested activities (each line item in the Request Details section of the application) is fully described in the Project Description portion of the Narrative Statement. Each element must provide information regarding how the proposed activity is related to the applicant's Hiring and Recruitment and Retention Program.

In applications for recruitment and retention, the applicants must also provide details regarding how volunteers will qualify for the incentives (who is eligible for initiatives funded under the grant and discuss any prerequisites). For example, an organization might withhold paying nominal stipends until members participate in a minimum number of operational activities.

Applicants should save their work often as the electronic application includes a time-out feature. If no-save activity is detected for a period of time, the application will time-out and all information that is not saved could be lost. Therefore, it is recommended that applicants type the Narrative Statement information off-line using either a word processing program, such as MS Word, Word Perfect, Notepad, etc., to avoid losing any information.

Once the Narrative Statement is complete, applicants can then cut-and-paste the text into the appropriate sections within the Narrative section of the application. Please note the Narrative Statement block does not allow for formatting. Do not type your narrative using only capital letters. Additionally, do not include tables, special fonts (quote marks, bullets, etc.), or graphs.

Space for the Narrative Statement is limited. Once you save the Narrative Statement to the application, log-out and then log back in to the application to verify that the information was successfully saved.

### B. Funding Restrictions

Please see *Section III. Eligibility Information* for a list of funding restrictions.

## Part V - SAFER GRANTS DEFINITIONS

For the purposes of the SAFER Grants, the following definitions apply.

**Attrition:** A gradual reduction in work force without firing of personnel, as when workers resign or retire and are not replaced.

**Automatic-aid:** An agreement whereby fire departments are dispatched simultaneously on the initial alarm or where fire departments participate in closest-unit response dispatching.

**Benefits:** Includes regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, etc.

These costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each. Employer contributions or expenses for social security, employee insurance, workmen's compensation, pension plan costs, and the like, whether treated as indirect costs or as direct costs, shall be distributed to particular awards and other activities in a manner consistent with the pattern of benefits accruing to the individuals or group of employees whose salaries and wages are chargeable. Overtime expenses, other than those meeting FLSA requirements, are **not** eligible as benefits costs.

**Career Fire Department:** A fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters (fire departments that provide reimbursement on a paid-on-call basis are considered to be a combination fire department for the purposes of this program).

**Combination Fire Department:** A fire department that has paid firefighting personnel and volunteer firefighting personnel. At a minimum, a combination fire department must have at least one active firefighter that receives financial compensation for services (including paid-on-call) and/or at least one active firefighter that does not receive financial compensation for services, other than life, health, and workers' compensation insurance.

**Emergency Medical Services Organization:** A public or private organization that provides direct emergency medical services, including medical transport.

**Fire Department:** An agency or organization that has a formally recognized arrangement with a state, territory, local government, or tribal authority (city, county, parish, fire district, township, town, or other governing body) to provide fire suppression on a first-due basis to a fixed geographical area. Fire departments may be comprised of members who are volunteer, career, or a combination of volunteer and career.

**Firefighter:** An individual having the legal authority and responsibility to engage in fire suppression; employed by a fire department of a municipality, county, fire district, or state, engaged in the prevention, control, and extinguishing of fires; and/or responding to emergency situations in which life, property, or the environment is at risk. This individual must be trained in fire suppression, but may also be trained in emergency medical care, hazardous materials awareness, rescue techniques, and any other related duties provided by the fire department.

**Formal Layoff Notice:** Any layoff notice should align with the local rules and regulations that govern civil service employment in the jurisdiction. In order to be reasonable to employees, and to provide employees facing layoff actions a clear understanding of the impending action, any notice of layoff should be in writing and delivered to a specific employee affected by the action. The notice should identify a specific date employment will cease or specific event that would trigger the termination of employment.

The notice should be delivered or otherwise presented directly to the affected employee in advance of the layoff action in accordance with the civil service provisions or union agreement in force in the jurisdiction taking action, e.g., 60 days prior to the effective date of the layoff action. The notice should specify whether the action is permanent or temporary as well as provide the anticipated schedule of layoffs. For the purposes of the SAFER Program, a notice that is not executed within the specified terms will be considered void unless an additional notice is provided within 14 days of the original action date.

**Initial Full Alarm Assignment:** Personnel, equipment, and resources ordinarily dispatched upon notification of a structural fire.

**Majority Career:** A department is considered majority career if 50 percent or more of the active firefighting membership is salaried staff.

**Majority Volunteer:** A department is considered majority volunteer if more than 50 percent of the active firefighting membership is NOT compensated for service other than a nominal stipend and/or insurance.

**Mutual-aid:** An agreement whereby assisting fire departments are dispatched into another fire department's jurisdiction only when the first-arriving unit on a scene calls for assistance, or when specially requested by dispatch.

**Nominal Stipend:** A stipend is nominal if it does not exceed 20 percent of what the fire department would otherwise pay to hire a full-time firefighter to perform the services for which the stipend is provided. Whether a stipend falls above or below the 20 percent threshold may be determined in one of two ways. Departments that maintain paid full time firefighters on their payrolls may compare the stipend to the salary they pay a full time firefighter who performs similar services to determine whether the stipend is more or less than 20 percent of that salary. Departments that do not maintain full time firefighters on their payrolls may make the determination based on a comparison to the salary paid to a full time firefighter in a neighboring jurisdiction, elsewhere in the state, or ultimately the nation, and may also utilize data from the Department of Labor's Bureau of Labor Statistics. A nominal stipend may also include reimbursements to volunteer firefighters for approximate out-of-pocket expenses they incur.

If a stipend paid exceeds 20 percent of the prevailing wage calculated as described above, then the firefighter receiving compensation would not qualify as a volunteer and is considered an employee who may be covered by the FLSA minimum wage and overtime provisions.

**Operational Budget:** The budget supporting fire-related programs and/or emergency response activities (salaries, maintenance, equipment, apparatus, etc.).

**Paid-on-Call:** Firefighters who are paid a stipend for each event to which they respond. Paid-on-call firefighters may be considered paid firefighters or volunteer firefighters, depending on whether the stipend they receive is a nominal stipend. A department whose membership is comprised of all volunteer firefighters, including any paid-on-call firefighters who receive only a nominal stipend, will be considered a volunteer fire department for purposes of this safer program. A department whose membership is comprised of any paid-on-call firefighters who receive more than a nominal stipend will be considered a combination fire department, for the purposes of this SAFER Program. *Also refer to the definition of a **nominal stipend**.*

**Part-time Firefighter:** A firefighter who works less than 40 hours per week. When more than one part-time firefighter shares a position that results in work in excess of 40 hours per week, FEMA considers that shared assignment to be a full-time equivalent (FTE) position that must be accounted for in the staffing information provided in the application.

**State:** Any of the 50 states, the District of Columbia, Puerto Rico, the US Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**National, State, Local, or Tribal Organizations that Represent the Interests of Volunteer Firefighters:** Organizations that support, or represent the interests of, firefighters in front of legislative bodies at the local, state, tribal, and federal level. Such organizations include, but are not limited to, state or local firefighter and/or fire chiefs' associations, volunteer firefighter relief organizations, and associations. FEMA shall make the final determination as to whether an applicant is an appropriate volunteer firefighter interest group.

**Staffing and Deployment:** The minimum staffing requirements to ensure a sufficient number of members are available to operate safely and effectively as defined in NFPA 1710 and 1720.

**Volunteer Fire Department:** A fire department that has an all-volunteer force of firefighting personnel. For a fire department to have an all-volunteer force, no member may receive financial compensation (in the form of salary or wages) for their services other than life and health insurance, workers' compensation insurance, and/or a nominal stipend per call. FEMA considers a department to be majority volunteer if more than 50 percent of its membership is made up of personnel who do not receive financial compensation for services.

## Appendix B

# AWARD ADMINISTRATION

## Part I - AWARD ADMINISTRATION

### A. Grantee Responsibilities

SAFER Award recipients (grantees) must agree to the following:

1. Perform all tasks (scope of work) as outlined in the grantee's application approved by FEMA within the period of performance, and comply with all special conditions in accordance with the articles of agreement. Grantees that do not fulfill their obligations under their SAFER Grant will be considered in default and may be required to return the federal funds disbursed under the grant award.
2. Grantees under the Hiring of Firefighters Category who layoff any firefighters during the two-year period of performance will be considered in default of their grant and the award will be terminated. Grantees may be required to return the federal funds disbursed under the grant award.
3. Grantees under the Hiring of Firefighters Category must agree to maintain the SAFER Funded Positions as well as the number of positions declared at the time of award throughout the two year period of performance unless the grantee has been afforded a waiver of this requirement. For additional details on attrition of firefighters during the period of performance and waivers of staffing maintenance requirements, see *Appendix A. Additional Overview Information*.
4. Retain grant files and supporting documentation for three years after receipt of the official notification that the grant has been closed. FEMA may require access to any pertinent books, documents, papers, or records belonging to a grant recipient. The DHS Office of Inspector General or the Comptroller General of the United States may also require access to a grantee's books and records.

The required documentation for federally funded purchases should include specifications, solicitations, competitive quotes or proposals, basis for selection decisions, purchase orders or contracts, invoices, and cancelled checks. Grantees who fail to document purchases may find their expenditures will be questioned and disallowed.

5. Provide periodic performance reports to FEMA. In all years of the grant's period of performance, for both the Hiring of Firefighters and the Recruitment and Retention of Volunteer Firefighters categories, grantees must submit quarterly performance reports as well as a final performance report at grant closeout. Payments are requested on-line using the automated system and payments are based on actual expenses incurred during the period covered by the payment request. Quarterly performance reporting is required if the grantee has not requested funding within the quarter.

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report (i.e., closeout report) within 90 days after the end of the period of performance. After these reports have been reviewed and approved by FEMA, grantees are given an official notice that the closeout has been accepted and completed. Any remaining grant funds are de-obligated. The grantee is responsible for returning any funds that have been drawn down but remain unspent.

6. Administer the grant in accordance with the administrative rules for federal grants and cooperative agreements, specifically those found in 44 CFR Part 13.
7. Follow the audit requirements of OMB Circular A-133, Audits of states, local governments, and nonprofit organizations, which call for grantees who expend \$500,000 or more in federal funds in a year (from all federal sources) to have a single audit performed in accordance with the Circular. (For more information about the Circulars, go to <http://www.whitehouse.gov/omb/circulars>)
8. Notwithstanding any provision of other laws, firefighters hired under these grants shall not be discriminated against, or be prohibited from, engaging in volunteer firefighting activities in another jurisdiction during off-duty hours.
9. Homeland Security Presidential Directive-5 requires that, beginning October 1, 2005, all recipients of federal preparedness funds (including recipients of federal grants and contracts) adopt the National Incident Management System (NIMS) as a condition for the receipt of the federal funds.

Recipients of FY 2013 SAFER Grants will be considered to be in compliance with the NIMS requirement if the grantee:

- (a) Has an operational knowledge of the Incident Command System (ICS)
- (b) Has an understanding of NIMS' principles and policies
- (c) Agrees to adopt and/or comply with all directives, ordinances, rules, orders, edicts, etc., passed down by the local or state authorities with respect to incident management.

Responders who have already been trained in ICS do not need retraining if their previous training is consistent with DHS standards. In order for us to document compliance, grantees will be required to certify their compliance with the NIMS/ICS requirements as part of their grant closeout process. Grantees may contact their State Emergency Preparedness Officer or State Fire Marshal for local NIMS compliance requirements.

10. To the extent possible, grantees should seek, recruit, and appoint women and members of racial and ethnic minority groups to increase their ranks within the applicant's department (see eligibility requirements).
11. FEMA strongly encourages applicants, to the extent practicable, to seek, recruit, and hire military veterans to increase their ranks within their departments. In FY 2013, all SAFER Applicants who have a policy in place addressing their intent to implement strategies to recruit military veterans will receive additional consideration.

12. Grantees may use their own procurement procedures, which reflect applicable state and local laws and regulations, provided the procurements conform with the requirements of 44 C.F.R. § 13.36(b) – (i) and other applicable federal laws and standards.

Grantees who fail to adhere to their own procurement policy, or otherwise fail to fully comply with the federal laws and standards regarding purchases involving federal funds may be subject to questioning and subsequently disallowed costs.

13. Specifications shall clearly show all requirements the bidder will fulfill in order for the bid or offer to be evaluated. However, those specifications may not be so narrowly constructed or contain features that limit, restrict, or eliminate competition unnecessarily.

Grantees may, when developing solicitations, list factors that will be used in their evaluation of proposals as long as those evaluation factors are not found to limit competition. Finally, grantees cannot impose in-state or local geographical preferences in the evaluation of bids or proposals.

Applicants and grantees are encouraged to obtain product information from vendors in order to be more informed about the items they plan to purchase. However, grantees may not use specifications obtained from vendors for any solicitation with federal grant funds if the specifications would be found to be restrictive. It is the grantee's responsibility to assure vendor specifications are not used in a manner that would result in restricting or limiting competition.

Additionally, if a vendor or manufacturer drafts, writes, edits, critiques, or provides any direct consultation on a grant application, that vendor or manufacturer cannot submit a bid for that purchase. Likewise, if a vendor or manufacturer drafts, writes, edits, or critiques a specification to be used for the solicitation for the purchase of a specific product, that vendor or manufacturer cannot submit a bid for that purchase. See *Conflicts of Interest* below.

Grantees shall, on request, make available pre-award review and procurement documents such as requests for proposals or invitations for bids, and independent cost estimates if 1) the purchase specifies a brand name product, or 2) the proposed grant is to be awarded to someone other than the apparent low bidder under a sealed bid process.

Grantees found to be using proprietary, or otherwise limiting specifications, may find their expenditures questioned and subsequently disallowed.

14. In order to ensure objective vendor performance and eliminate a real or apparent unfair competitive advantage, anyone who develops or drafts specifications, requirements, statements of work (including the grant application), invitations for bids, and/or requests for proposals shall be excluded from competing for such procurements.

Additionally, no employee, officer, or agent of the grantee shall participate in the selection, award, or administration of a procurement supported by federal funds if a real or an apparent conflict of interest would be involved.

A conflict of interest could arise when any of the following conditions exists:

- (a) An officer, employee, or agent of the grantee has a financial or other interest in the vendor selected for the procurement

- (b) Any member of the grantee's officers', employees', or agents' immediate family has a financial or other interest in the vendor selected for the procurement
- (c) An organization that employs a grantee's officer, employee, or agent is a vendor or has a financial or other interest in the vendor selected for the procurement.

For the purposes of this program, DHS considers volunteers of an organization and grant writers to be employees, officers, and/or agents of the grantee. No volunteer or member of an organization or anyone involved in the application for funding can participate in, or benefit from, the procurement if federal funds are involved.

Grantees that purchase items with grant funds from vendors who employ any of their volunteers/members will have to document how they avoided a conflict of interest during the procurement process (i.e., specific details regarding how the members/volunteers removed themselves, or how they were prevented from participating in the process).

Grantees who fail to document fully their purchases may find that their expenditures will be questioned and subsequently disallowed.

## **B. Administrative and National Policy Requirements**

The recipient must, in addition to the assurances made as part of the application, (DHS Standard Administrative Terms and Conditions available within Section 6.1.1, please see: <http://www.dhs.gov/xlibrary/assets/cfo-financial-management-policy-manual.pdf>) comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application. Section 6.1 – CFO Authority for Financial Assistance and Oversight

### **1. Section 6.1 – CFO Authority for Financial Assistance and Oversight**

#### **1.1 Part 6.1.1 – Financial Assistance Award Standard Terms and Conditions**

DHS requires standard terms and conditions approved by the Division of Financial Assistance Policy and Oversight (FAPO) to be applied to all financial assistance awards.

For the complete listing of DHS Standard Administrative Terms and Conditions, please refer to: Appendix A. Standard Terms and Conditions

#### **1.2 – Audit Requirements**

##### **Improper Payments Information Act (IPIA) of 2002**

##### **(Public Law 107-300)**

Enacted to ensure the correct use of federal funds and to avoid improper or erroneous payments.



### 1.3 – Duplication of Benefits

- There may not be a duplication of any federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular federal award or cost objective under the principles provided for in this Authority may not be charged to other federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

2. **Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to recipients. To enroll in the DD/EFT, the recipient must complete a Standard Form 1199A, Direct Deposit Form, found by cutting and pasting the following link into your web browser: <http://www.fms.treas.gov/eft/1199a.pdf>.

FEMA utilizes the Assistance to Firefighters e-Grants System for the full lifecycle of the grant. Please use the following link to access the system <https://portal.fema.gov/famsVuWeb/home>.

### 2.1 – Payment

- In accordance with Treasury regulations at 31 CFR Part 205, the recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the recipient. When these requirements are not met, the recipient will be required to be on a reimbursement for costs incurred method.
- **NOTE:** Funds will not be automatically transferred upon issuance of the grant. Grantees must submit a request for advance/reimbursement (sf-270) in order for the funds to be transferred to the grantee's account.

### 3. Certifications and Assurances

Certifications and assurances regarding the following apply:

- **Debarment and Suspension.** – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debaring or suspending those persons that deal in an irresponsible manner with the Federal Government. The recipient must certify that they are not debarred or suspended from receiving federal assistance. For additional information, see 2 CFR Part 3000.
- **Federal Debt Status.** – The recipient may not be delinquent in the repayment of any federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129) (Refer to SF-424, item number 17.)

#### **4. Environmental Planning and Historic Preservation Compliance**

As a federal agency, FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grants-funded projects, comply with Federal Environmental Planning and Historic Preservation (EHP) regulations, laws and Executive Orders as applicable. Grantees and sub-grantees proposing projects that have the potential to impact the natural or man-made environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project.

#### **5. Equipment Marking**

Awardees may consider marking equipment in the manner of "purchased with funds provided by the US Department of Homeland Security" to facilitate their own audit processes, as well as federal audits and monitoring visits, which may result from receiving federal funding. Equipment maintenance requirements are outlined in 44 CFR Part 13.32.

### **C. Draw Down and Expenditure of Funds**

Grantees should not expend funds or request a draw down until all special conditions listed on the grant award document have been met and the award is approved for payment in the e-Grants system. Grant recipients should draw down funds based upon immediate disbursement requirements; however, FEMA strongly encourages recipients to draw down funds as close to disbursement or expenditure as possible to avoid accruing interest.

Although advance drawdown requests are permissible, grantees remain subject to the interest requirements of the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205. Interest under CMIA will accrue from the time federal funds are credited to a grantee's account until the time the grantee pays out the funds for program purposes.

### **D. Reporting Requirements**

Reporting requirements must be met throughout the life of the grant (refer to the Funding Opportunity Announcement and the special conditions found in the award package for a full explanation of these requirements).

Any reports or documents prepared as a result of this grant shall be in compliance with federal "plain English" policies, directives, etc.

- 1. Federal Financial Report (FFR) – required semi-annually.** Recipients of any SAFER Grants awarded on or after October 1, 2009, are required to submit a semi-annual Federal Financial Report (FFR, SF-425). The FFR is to be submitted using the on-line e-Grant system and will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit an FFR throughout the entire period of performance of the grant.

Reporting periods and due dates:

- January 1-June 30; due July 30
- July 1-December 31; due January 30

- 2. Financial and Compliance Audit Report.** Recipients that expend \$500,000 or more of federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's Government Auditing Standards, located at <http://www.gao.gov/govaud/ybk01.htm>, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at [http://www.whitehouse.gov/omb/circulars\\_default](http://www.whitehouse.gov/omb/circulars_default). Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year.

In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY 2013 assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers, or documents related to the grant.

The state shall require that sub-grantees comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

- 3. Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance, and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

- 4. Grant Closeout Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the

period of performance. After these reports have been reviewed and approved by FEMA, a closeout notice will be completed to close out the grant.

The notice will indicate the period of performance as closed, list any remaining funds that will be de-obligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawn down but remain as unspent on grantee financial records.

## **5. Required Performance and Financial Reports for Grant Closeout**

- Final Performance Report Narrative (within the Closeout module in e-Grants) is due 90 days after the end of the period of performance
- Final SF-425 is due 90 days after the end of the grant period

### **Required submissions**

- (1)** Final SF-425 is due 90 days from end of grant period
- (2)** Final progress report is due 90 days from the end of the grant period

## Part II - FEMA CONTACTS

This section describes several resources that may help applicants in completing a FEMA grant application.

### 1. Centralized Scheduling and Information Desk (CSID)

CSID is a non-emergency comprehensive management and information resource developed by DHS for grant stakeholders. CSID provides general information on all FEMA grant programs and maintains a comprehensive database containing key personnel contact information for federal, state, local and tribal organizations. CSID can be reached by phone at (800) 368-6498 or by e-mail at [ASKCSID@dhs.gov](mailto:ASKCSID@dhs.gov), Monday through Friday, 9:00 AM – 5:30 p.m. (EST).

### 2. Grant Programs Directorate (GPD)

FEMA GPD's Grants Management Division will provide pre- and post-award administration and technical assistance to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or by e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov).

### 3. FEMA Regions

FEMA Regions will provide support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. For a list of contacts, please go to <http://www.fema.gov/about/contact/regions.shtm>.

### 4. SAFER Program Help Desk

Please contact the SAFER Program Help Desk with your questions or comments by calling (866) 274-0960 or by e-mail at [firegrants@dhs.gov](mailto:firegrants@dhs.gov). Additional guidance and information can be obtained by visiting the AFG Web site at <http://www.fema.gov/firegrants/>.

## Part III - OTHER INFORMATION

### A. Excess Funds

Due to successful competitive bid processes, some grantees have funds remaining after the completion of their obligations outlined above.

#### ***SAFER Grantees with excess funds***

##### **Hiring of Firefighters Category Grantees**

Grantees that complete the approved scope of work and still have grant funds available may request to use the remaining funds provided that the grantee has met all grant requirements during the initial period of performance and the use of the funds is consistent with the original scope of work. This shall be done through the amendment request process.

##### **Recruitment and Retention of Volunteer Firefighters Category Grantees**

Grantees that have completed the approved scope of work in this activity and still have grant funds available may use the excess funds to continue with recruitment or retention activities provided they are consistent with the original scope of work and conducted within the originally approved period of performance. This shall be done through the amendment request process.

### B. Turndown Procedure

The SAFER Grants are competitive. Not all applications will be successful, but all applicants will receive a decision letter from FEMA that briefly describes the shortcomings and weaknesses of the application. These aspects are articulated by the technical evaluation process. Due to the historical number of turndowns for these grants, detailed debriefs for all applicants will not be possible.