

## **RESOLUTION 2015-53**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, APPROVING THE TOWN OF FOUNTAIN HILLS 2015 HAZARD MITIGATION PLAN.

**WHEREAS**, Maricopa County has historically experienced damage from natural hazards such as flooding, wildfire, drought, severe winds and others on many occasions in the past century, resulting in loss of property and/or life, economic hardship and threats to public health and safety; and

**WHEREAS**, the 2015 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan (the “2015 Plan”) has been developed after more than one year of review, research and update work by the Town of Fountain Hills (the “Town”) in association and cooperation with the Maricopa County Multi-Jurisdictional Planning Team for the reduction of hazard risk to the community; and

**WHEREAS**, the 2015 Plan specifically addresses natural hazard vulnerabilities, mitigation strategies and plan maintenance procedures for the Town; and

**WHEREAS**, the 2015 Plan is an update and replacement for the previous hazard mitigation plan adopted by the Town on March 18, 2010, by Resolution No. 2010-01 (the “2009 Plan”); and

**WHEREAS**, the 2015 Plan recommends several hazard mitigation actions/projects that will provide mitigation for specific natural hazards that impact the Town, with the goal of protecting people and property from loss associated with those hazards.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS** as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The 2015 Plan is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The 2009 Plan is hereby repealed.

SECTION 4. The 2015 Plan shall be implemented, monitored and maintained by the officials/staff designated in the 2015 Plan for a period five years from the date of this Resolution.

SECTION 5. The Mayor, the Town Manager, the Town Clerk, the Town Attorney and other Town officers and employees are hereby authorized and directed to take all steps necessary to (i) carry out the purpose and intent of this Resolution and (ii) perform the duties ascribed to them by the 2015 Plan.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills,  
Arizona, November 5, 2015.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
\_\_\_\_\_  
Linda M. Kavanagh, Mayor

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

EXHIBIT A  
TO  
RESOLUTION 2015-53

[2015 PLAN]

See following pages.

## **EXECUTIVE SUMMARY**

Across the United States, natural and human-caused disasters have led to increasing levels of death, injury, property damage, and interruption of business and government services. The toll on families and individuals can be immense and damaged businesses cannot contribute to the economy. The time, money and effort to respond to and recover from these emergencies or disasters divert public resources and attention from other important programs and problems. With 54 federal or state declarations and a total of 524 other recorded events, the 28 jurisdictions contained within Maricopa County, Arizona and participating in this planning effort recognize the consequences of disasters and the need to reduce the impacts of natural and human-caused hazards. The County and jurisdictions also know that with careful selection, mitigation actions in the form of projects and programs can become long-term, cost effective means for reducing the impact of natural and human-caused hazards.

The elected and appointed officials of Maricopa County and the 27 other participating jurisdictions demonstrated their commitment to hazard mitigation in 2009-2010 by preparing the first update of the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan (2009 Plan). The 2009 Plan covered all 28 participating jurisdictions and was approved by FEMA on April 30, 2010. In order to remain compliant with the congressional regulations, the county and jurisdictions must perform full plan update and obtain FEMA approval..

In response, the Maricopa County Department of Emergency Management (MCDEM) secured a federal planning grant and hired JE Fuller/ Hydrology & Geomorphology, Inc. to assist the County and participating jurisdictions with the update process. MCDEM reconvened a multi-jurisdictional planning team (MJPT) comprised of veteran and first-time representatives from each participating jurisdiction, and other various county, state, and federal departments and organizations such as the Arizona Division of Emergency Management, National Weather Service, Arizona Geologic Survey, and Arizona Public Service. The MJPT met monthly beginning in November 2014 and finishing in April 2015. Subsequent “catch up” meetings were conducted through June 2015 to assist several communities with finalizing assignments and the first draft of the updated 2015 Plan was issued in July 2015. The meetings and MJPT worked in a collaborative effort to review, evaluate, and update the 2009 Plan keeping the single, consolidated multi-jurisdictional plan format and approach. The accompanying Tribal Annexes for each of the two participating Indian Tribes, were also updated to address Tribal specific planning elements. The 2015 Plan will continue to guide the County and participating jurisdictions toward greater disaster resistance in full harmony with the character and needs of the community and region.

The Plan has been prepared in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S. C. 5165, enacted under Sec. 104 the Disaster Mitigation Act of 2000, (DMA 2000) Public Law 106-390 of October 30, 2000, as implemented at CFR 201.6 and 201.7 dated October, 2007. The Plan includes risk assessments for multiple natural hazards, a public outreach effort at two phases of the planning process, and development of a mitigation strategy that incorporates measures intended to eliminate or reduce the effects of future disasters throughout the County. The development of the various 2015 Plan elements was accomplished through a joint and cooperative venture by members of the Maricopa County MJPT, with MCDEM serving as the lead agency and primary point of contact for the planning effort.

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**LIST OF APPENDICES**

- Appendix A: Official Resolution of Adoption**
- Appendix B: Planning Process Documentation**
- Appendix C: Public Involvement Records**
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**ANNEX DOCUMENTS (under separate cover)**

- Tribal Plan Annex for Fort McDowell Yavapai Nation**
- Tribal Plan Annex for the Salt River Pima-Maricopa Indian Community**

**SUPPLEMENTAL DOCUMENTS (under separate cover)**

- Jurisdiction-Specific Executive Summaries**

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## SECTION 1: JURISDICTIONAL ADOPTION AND FEMA APPROVAL

**Requirement §201.6(c)(5):** *[The local hazard mitigation plan shall include...] Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.*

**Requirement §201.6(d)(3):** *A local jurisdiction must review and revise its plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval within five (5) years in order to continue to be eligible for mitigation project grant funding.*

### 1.1 DMA 2000 Requirements

#### 1.1.1 General Requirements

This 2015 update of the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan (Plan) has been prepared in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act), 42 U.S.C. 5165, as amended by Section 104 of the Disaster Mitigation Act of 2000 (DMA 2000) Public Law 106-390 enacted October 30, 2000. The regulations governing the mitigation planning requirements for local mitigation plans are published under the Code of Federal Regulations (CFR) Title 44, Section 201.6 (44 CFR §201.6). Additionally, a DMA 2000 compliant plan that addresses flooding will also meet the minimum planning requirements for the Flood Mitigation Assistance program as provided for under 44 CFR §78.

DMA 2000 provides requirements for States, Tribes, and local governments to undertake a risk-based approach to reducing risks to natural hazards through mitigation planning<sup>1</sup>. The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.

Under 44 CFR §201.6, local governments must have a Federal Emergency Management Agency (FEMA)-approved local mitigation plan in order to apply for and/or receive project grants under the following Hazard Mitigation Assistance (HMA) programs:

- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Flood Mitigation Assistance (FMA)
- Severe Repetitive Loss (SRL)

FEMA, at its discretion, may also require a local mitigation plan under the Repetitive Flood Claims (RFC) program as well.

#### 1.1.2 Update Requirements

DMA 2000 requires that existing plans be updated every five years, with each plan cycle requiring a complete review, revision, and re-approval of the plan at both the state and FEMA level. Maricopa County, the incorporated communities of Avondale, Buckeye, Carefree, Cave Creek, Chandler, El Mirage, Fountain Hills, Gila Bend, Gilbert, Glendale, Goodyear, Guadalupe, Litchfield Park, Mesa, Paradise Valley, Peoria, Phoenix, Queen Creek, Scottsdale, Surprise, Tempe, Tolleson, Wickenburg, and Youngtown, the Fort McDowell Yavapai Nation and Salt River Pima-Maricopa Indian Community, and the Salt River Project are all currently covered under a FEMA approved multi-jurisdictional hazard mitigation plan. The Plan is the result of an update process performed by the

<sup>1</sup> FEMA, 2008. *Local Multi-Hazard Mitigation Planning Guidance*

participating jurisdictions to update the current 2009 version of the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan (2009 Plan).

**1.2 Official Record of Adoption**

Promulgation of the Plan is accomplished through formal adoption of official resolutions by the governing body for each participating jurisdiction in accordance with the authority and powers granted to those jurisdictions by the State of Arizona and/or the federal government. Participating jurisdictions in the Plan include:

Counties	Tribes	Cities	Towns	Other
<ul style="list-style-type: none"> <li>• Maricopa</li> </ul>	<ul style="list-style-type: none"> <li>• Fort McDowell Yavapai Nation</li> <li>• Salt River Pima-Maricopa Indian Community</li> </ul>	<ul style="list-style-type: none"> <li>• Avondale</li> <li>• Chandler</li> <li>• El Mirage</li> <li>• Glendale</li> <li>• Goodyear</li> <li>• Litchfield Park</li> <li>• Mesa</li> <li>• Peoria</li> <li>• Phoenix</li> <li>• Scottsdale</li> <li>• Surprise</li> <li>• Tempe</li> <li>• Tolleson</li> </ul>	<ul style="list-style-type: none"> <li>• Buckeye</li> <li>• Carefree</li> <li>• Cave Creek</li> <li>• Fountain Hills</li> <li>• Gila Bend</li> <li>• Gilbert</li> <li>• Guadalupe</li> <li>• Paradise Valley</li> <li>• Queen Creek</li> <li>• Wickenburg</li> <li>• Youngtown</li> </ul>	<ul style="list-style-type: none"> <li>• Salt River Project</li> </ul>

Each jurisdiction will keep a copy of their official resolution of adoption located in Appendix A of their copy of the Plan.

**1.3 FEMA Approval Letter**

The Plan was submitted to the Arizona Division of Emergency Management (ADEM), the authorized state agency, and FEMA, for review and approval. FEMA’s approval letter is provided on the following page.