

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 9, 2007

☒ [X]
☐ []

Consent
Workshop

☐ []
☐ []

Regular
Public Hearing

Department

Submitted For: FIRE RESCUE

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends a motion to:

A) ratify a Memorandum of Understanding (MOU) with the State of Florida, Department of Financial Services, Division of State Fire Marshall providing grant funding in the amount of \$10,830.62 as extended through August 30, 2006; and

B) approve a Modification to 2005-2006 State Homeland Security Grant Program (SHSGP) Memorandum of Understanding; and

C) approve a budget amendment in the Fire Rescue MSTU Fund (1300) in the amount of \$10,830.00, which recognizes the receipt of the \$10,830.00 award and provides budget for the designated purchases.

Summary: The Florida Department of Financial Services, Division of State Fire Marshall (SFM) has received grant funds under the 2005 Homeland Security Grant Program (SHSGP) and is authorized to subgrant these funds to other recipients. There was no formal application required for this grant funding. The original memorandum of understanding for the \$10,830.62 award provided for Florida Type II Technical Rescue Resource planning, equipment, training, exercise and management/administrative purchasing activities through August 30, 2006. The State has since extended the term of this program through February 28, 2007 and is requesting the original document be ratified and a new extension agreement be approved by the Board. There is no cost share requirement associated with this agreement. Fire-Rescue will use this grant funding to provide training in disciplines related to Urban Search and Rescue. Countywide (SB)

Background and Policy Issues:

Palm Beach County Fire Rescue has a State-recognized Urban Search and Rescue team. The Florida Department of Law Enforcement (FDLE) Regional Domestic Security Task Force (RDSTF) for Regional seven had allocated \$10,830.62 to each Type II Light Technical Rescue team that is recognized by the State, to be used for Florida Type II Technical Rescue Resource planning, equipment, training, exercise and management/administrative purchasing activities in Domestic Preparedness. Grant guidelines require the State to enter into a Memorandum of Understanding with the recipient to identify the amount of the award to be used for training. The original memorandum of understanding for this award provided for activity through August 30, 2006. The State has since extended the term of this program through February 28, 2007 and is requesting the original document be ratified and a new extension agreement be approved by the Board. Fire-Rescue will use this grant funding to provide sustainment training in disciplines related to Urban Search and Rescue.

Attachments:

1. Memorandum of Understanding
2. Modification to Memorandum of Understanding
3. Budget Amendment Document

Recommended By: 

Deputy Chief

Date

12-13-06

Approved By: 

Fire-Rescue Administrator

Date

12-13-06

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>10,830</u>	_____	_____	_____	_____
External Revenues	<u>(10,830)</u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X

Budget Account No.: Fund 1300 Dept 440 Unit 4304 Object 5201

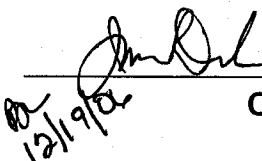
B. Recommended Sources of Funds/Summary of Fiscal Impact:

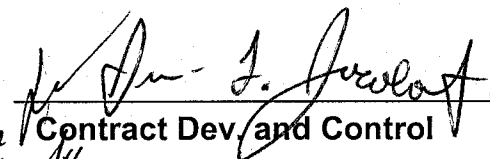
There is no cost share requirement associated with this grant.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 12-20-06
OFMB

 12/21/06
Contract Dev. and Control

B. Legal Sufficiency

 12/22/06
Assistant County Attorney

C. Other Department Review:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

MEMORANDUM OF UNDERSTANDING
FOR EXPENDITURE OF LOCAL GOVERNMENT UNIT FUNDING
FOR FLORIDA TYPE II TECHNICAL RESCUE RESOURCE (LIGHT TECHNICAL RESCUE TEAM)
FROM 2005 DOMESTIC PREPAREDNESS GRANT STATE HOMELAND SECURITY GRANT PROGRAM

THIS AGREEMENT is entered into by and between Palm Beach County Fire Rescue ("Local Government Unit") and Florida Department of Financial Services, Division of State Fire Marshal ("SFM").

WHEREAS, the U.S. Department of Homeland Security, Office of Domestic Preparedness ("ODP") has made available 2005 Domestic Preparedness Grant funds to the Florida Department of Financial Services, Division of State Fire Marshal, as the State of Florida's State Administrative Agency for Fire-Rescue under federal grant guidelines, which funds are designated to be used for planning, equipment, training, exercise and management and administrative Purchases and activities in Domestic Preparedness.

WHEREAS, the 2005 Homeland Security Grant Program ("SHSGP"), is a portion of the 2005 Domestic Preparedness Grant and provides funds to enhance the capability of State and Local Government Units to prevent, deter, respond to, and recover from incidents of terrorism.

WHEREAS, the 2005 Domestic Preparedness Grant guidelines require that, if the State disburses a portion of said grant funds to a local government unit, the State must enter into a Memorandum of Understanding with the Local Government Unit, specifying the amount of funds to be disbursed by the State for the below identified training; and

WHEREAS, the State and the Local Government Unit have utilized the State of Florida's State Homeland Security Strategies as the basis for the allocation of 2005 SHSGP funds to meet prioritized needs to enhance and refine their preparedness efforts, and have received state and federal approval for the allocation and expenditure of said funds as designated herein,

NOW THEREFORE, the parties agree to the following terms:

1. The Local Government Unit requests the State, through the Department of Financial Services, Division of State Fire Marshal, to disburse the amount of no less than \$10,830.62 (Grant Fund Amount), as the portion of the Local Government Unit's allocation of the SHSGP portion of the 2005 Domestic Preparedness Grant.
2. The Department of Financial Services, Division of State Fire Marshal, representing the State in its administration of the 2005 SHSGP grant funds, agrees to disburse the Grant Fund Amount to Palm Beach County Fire Rescue to provide funding in the amount of no less than \$10,830.62 for training in SFM approved NFPA 1670 Operational Level training courses.
3. The Local Government Unit agrees that unless the Local Government Unit is a state agency or subdivision, the Local Government Unit shall be solely responsible to parties with whom it shall deal in carrying out the terms of this Memorandum of Understanding, and shall save the Department harmless against all claims of whatever nature by third parties arising out of the performance of work under this Memorandum of Understanding. For purposes of this Memorandum of Understanding, the Local Government Unit agrees that it is not an employee or agent of the Department, but is an independent contractor.
4. Any Local Government Unit who is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible to the extent provided by Section 768.28 Fla. Stat. for its negligent acts or omissions or tortious acts which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by said acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any Local Government Unit to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

5. The Local Government Unit agrees that all notices provided under or pursuant to this Memorandum of Understanding shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the contract representative identified below at the address set forth below and said notification attached to the original of this Memorandum of Understanding.
6. The Local Government Unit shall use the funds provided to it under this Memorandum of Understanding ("the eligible training") for the purpose specified in the Florida Strategy, and specifically agrees to:
 - a) Upon notification by the SFM, the Local Government Unit shall respond to any and all incidents either within its jurisdictional boundaries or regional response area, or statewide as designated within the State Emergency Response Plan, with all appropriate equipment and support for a Type II Technical Rescue resource (Light Technical Rescue Team), for so long as the Memorandum of Understanding remains in effect, or as may be agreed upon under the Florida Strategy.
 - b) Submit all appropriate reimbursement requests by May 1, 2006.
7. This Memorandum of Understanding is effective upon its execution by the parties and may be modified only in writing with execution by both parties. This Agreement terminates on June 30, 2006, or earlier a) as otherwise stated herein, b) as agreed to by the parties, or c) as otherwise required by law or by state or federal guidelines.
8. This Memorandum of Understanding contains all the terms and conditions agreed upon by the parties.

Name and address for the Department contract managers for this Memorandum of Understanding is:

Contract/Financial Activities:

John J. Delorio, II – CFO, EFO, MIFireE
 Division of State Fire Marshal
 Bureau of Fire Standards and Training
 11655 NW Gainesville Road
 Ocala, Florida 34482-1486
 Email: john.delorio@fldfs.com

Programmatic Activities:

Dave A. Casey, Bureau Chief
 Division of State Fire Marshal
 Bureau of Fire Standards and Training
 11655 NW Gainesville Road
 Ocala, Florida 34482-1486
 Email: dave.casey@fldfs.com

The name and address of the representative of the Local Government Unit responsible for the administration of this Memorandum of Understanding is:

Name and Title: Sean R. O'Bannon, Division Chief Special Operations
 Address: 50 South Military Trail
 City/State/Zip West Palm Beach, FL 33415
 Phone Number: 561-616-7000
 Email: sobannon@co.palm-beach.fl.us

The parties agree to comply with state and federal guidelines in the allocation, expenditure and reporting of the use of the Grant Fund Amount.

WHEREFORE, the parties hereto have caused this Memorandum of Understanding to be executed by their undersigned officials as duly authorized.

LOCAL GOVERNMENT UNIT
Palm Beach County Fire Rescue

Name of Agency

Sean R. O'Bannon

Signature of Agency Official

Sean R. O'Bannon

Printed Name of Agency Official

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF STATE FIRE MARSHAL

Name of Agency

Lisa Miller

Signature of Agency Official

Lisa Miller, Chief of Staff, Department of Financial Services

Printed Name of Agency Official

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Shawn Gunn 12-22-06

COUNTY ATTORNEY

**MODIFICATION TO 2005-2006 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP)
MEMORANDUM OF UNDERSTANDING**

THIS MODIFICATION is made and entered into by and between the State of Florida, Department of Financial Services, Division of State Fire Marshal ("SFM") and Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of County Commissioners ("Recipient"), to modify the Memorandum of Understanding for Expenditure of Local Government Unit Funding for Florida Type II Technical Rescue Resource (Light Technical Rescue Team) from 2005 Domestic Preparedness Grant State Homeland Security Grant Program ("the MOU"), on Feb. 9, 2006 Date.

WHEREAS, the SFM and Recipient entered into MOU FM 235;

WHEREAS, the MOU expires on August 30, 2006; and

WHEREAS, SFM and Recipient desire to modify the MOU by extending it.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The effective date of this Modification is August 29, 2006.
2. The provision of the MOU that defines the expiration date thereof hereby amended to have an expiration date of February 28, 2007. Final requests for reimbursement should be submitted no later than thirty (30) days after the termination date of the MOU as modified hereby. Any requests received after January 31, 2007, may not, in the discretion of SFM, be reimbursed.
3. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the MOU.
4. All provisions of the MOU being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective August 29, 2006.

IN WITNESS WHEREOF, the parties hereto have executed this document as set forth below.

ATTEST:
SHARON R. BOCK,
Clerk & Comptroller

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

Approved as to form and Legal
Sufficiency

Approved as to Terms and Conditions

By: 
Assistant County Attorney

By: 
Fire-Rescue Department

WITNESS:

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF STATE FIRE MARSHAL

Signature

By: _____

Title: _____

07-

0368

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA
BUDGET AMENDMENT

Page 1 of 1 pages

BGRV - 440 - 121306 184BGEX - 440 - 121306 661FUND 1300 - FIRE RESCUE MAIN MSTU

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 12/13/06	REMAINING BALANCE
<u>Receipts and Balances</u>								
440-4304-3129	Federal Grant Other	0	0	10,830		10,830		
	Total Receipts and Balances	256,373,937	256,673,937	10,830		256,684,767		
<u>Expenses & Appropriations</u>								
440-4304-5201	Materials/Supplies Operating	0	0	10,830		10,830	0	10,830
	Total Appropriation & Expenses	256,673,937	256,673,937	10,830		256,684,767		

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures

Date

By Board of County Commissioners
At Meeting of January 9, 2007

Deputy Clerk to the
Board of County Commissioners

12/19/06

12-20-06