PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Agenda Item #:

5R-1

Meeting Date: December 21, 2010] []	Consent Ordinance	[X] []	Regular Public Hearing
Department						
Submitted By:	Department of P	ublio	s Sa	afetv		
Submitted For: Division of Emer						

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: The Community Emergency Response Team (CERT) Program policies which specify responsibilities, and liability and workers' compensation protection, for all CERT members trained by the Department of Public Safety during a Local Declaration of Emergency.

Summary: Palm Beach County Department of Public Safety, Division of Emergency Management provides CERT training to residents of Palm Beach County. This program educates volunteers about disaster preparedness for all types of hazards that may impact our county. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when officially activated after a Local Declaration of Emergency and a specific "mission task" is issued. Only when activated will CERT members be provided with liability and workers' compensation protection by the County. An example of a "mission task" would be assisting the County with distribution of food and water within their neighborhood. <u>Countywide (GB)</u>

Background and Justification: In 2002, the CERT program was incorporated into Emergency Management. The original program consisted of 175 people representing 4 teams. Today, the program has grown to over 3,200 trained residents making up 51 various community-based teams in such communities as Jupiter Farms, Century Village, Lakes of Delray, Kings Point, Golden Lakes, Fountains, etc. CERT volunteers are trained to provide basic first aid skills to render assistance to others only when it's safe and necessary to do so. If they feel uncomfortable or if there's the potential to cause them physical or emotional injury, they are advised they are under no obligation to do so. Under Chapter 768.13 Good Samaritan Act; immunity from civil liability, it covers CERT volunteer who gratuitously and in good faith renders assistance without the objection of the injured victim shall not be held liable for any civil damages as a result of such assistance. However, if a CERT volunteer is acting on our behalf of the County resulting from a specific "mission task", the County has agreed to provide liability and workers' compensation protection as we do for all other County volunteers.

Attachments:

- 1. CERT Program Agreement
- 2. Release, Hold Harmless Indemnification Agreement
- 3. CERT Application dated November, 2010

4. County	Attorney's Memorandum dated September 2, 2010	
Recommended by:	Vint ABonvento 12/9/1	 D
	Department Director	Date
Approved By:	Assistant County Administrator	Date
	-	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2011</u>	2012	<u>2013</u>	<u>2014</u>	2015
Capital Expenditures Operating Costs External Revenues Program Income (County) In-Kind Match (County)					
Net Fiscal Impact	*				
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0
Is Item Included In Curre	ent Budget?	Yes	No		
Budget Account Exp No Rev No	: Fund : Fund	Department _ Department _	Unit Unit	Object Object	90
B. Recommended Source	npact associa	ated with this ag	genda item.		
Departmental Fiscal Rev	view: Styp	sharii Se	proka		
		IEW COMMEN			
A. OFMB Fiscal and/or	Contract Dev	and Control	Comments:		
OFMB	2 12/2/2010 Sizilio		h-J- Contract Ad	ministration	12/14)/0 13//0
B. Degal Sufficiency:	"IDA		с Ч		1 mid.
Assistant County C. Other Department Re	3 to au Attorney Or -ta	Has Good ditional p their own	Sameritan i oleetion to nor even o teers Ft	CORT VOLUSI CORT VOLU DO COUNTY-N PNIVICLES ?!	nteers acting nission- mmunity
C. Other Department Re				mission= bility and	
Department Dire		Jame 1	openon	prouved	0 the
This summary is not to b	e used as a	basis for payr	nent. Coun	ty Volunte	ers,
				Å	×.

Community Emergency Response Team Program (CERT) Palm Beach County

CERT Program Agreement

I,

(Please Print Clearly)

, have completed the Palm

Beach County Community Emergency Response Team Training Program. I understand that as a member of CERT my role is limited to attending the Palm Beach County CERT program. I have read, understand, and agree to the handouts identifying Program Rules and Regulations, and CERT Actions in a Disaster. I understand that I am responsible for training kits that are issued to me by Palm Beach County. I recognize that as a member of CERT I do not have the authority, power, or legal rights of action of Florida-certified law enforcement officers, firefighters or paramedics. Finally, I understand that as a member of CERT my responsibilities are to myself, my family, and my neighbors and secondly to the surrounding neighborhood. I may be considered a volunteer, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Signature

Date

Printed Name

Attachment #

RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

THIS RELEASE, HOLD HARMLESS, AND INDEMNIFICATION AGREEMENT is voluntarily given and executed by:

(Your name)

in consideration of Palm Beach County through Emergency Management providing "Community Emergency Response Team (CERT) Training.

In return, "

_" hereby releases, agrees and

(Your name)

promises to hold harmless and indemnify Palm Beach County and its officers, employees, agents, or servants, from and against any and all liability, claims, demands, damages, fines, penalties, expenses, fees, suits, proceedings, actions and cost of actions including attorney's fees, for trial and/or on appeal, of any kind or nature arising or growing out of or in any way connected, directly or indirectly, with any act or omission of Palm Beach County and its officers, employees, agents, or servants, or arising or growing out of or in any way connected, directly or indirectly, with or as a result of the CERT training as stated above.

DATED this	day of		•	, at	
(Da	y)	(Month)	(Year)	(City)	
Palm Beach Cou	nty, Florida.				
il.					
Signature			_		
Printed Name			-		
		596C - 2			

Attachment #______





Community Emergency Response Team Program (CERT)

APPLICATION

PRINT ALL INFORMATION

NAME

Training Site

Home Community

Palm Beach County Department of Public Safety Division of Emergency Management Revised November 2010

Attachment # ____

3

Community Emergency Response Team (CERT) Training Palm Beach County

COURSE APPLICATION

By completing this application in its entirety, you will help the instruction team understand the general profile of the class they are teaching. Do <u>not</u> answer any question that you are not comfortable completing.

Submitting an application does not guarantee admittance to the next scheduled class, but it does assure that your interest is recorded (and you will be notified of the next available class).

Please print all information!

Name:	
Street Address:	
City/Zip Code:	
Mailing address (if different from above):	
What is your occupation?	
If you do not live in a homeowner's Association, p which you reside:	blease state the name of the neighborhood in
Your Home Phone:	
Cell Phone:	Work Phone:
	Work Phone: Pager:
Cell Phone:	Work Phone: Pager:

Do you have any physical or medical conditions that might effect your participation in some of the exercises used in this course? (e.g., back injuries, heart conditions), please explain.

Yes	No	

(Answering the instructors to	is question doe consider limita	es not disqualify tions you may h	y you fron have in pe	n taking the cour rforming certain	n exercises.)	allow the		
How long hav	e you lived in I	Florida?	Ye	ears	N	Ionths		
Have you ever	r experienced a	tornado?	Yes	No				
Have you ever	r experienced a	hurricane?	Yes	No				
Do you feel th	at a hurricane	could do major	damage h	ere in Florida?	Yes	No		
If no, why?					1			
Do you consid	ler yourself a le	eader?						
No	No Somewhat Generally Almost Always							
Have you even a. b. c.	Been in the m Taken an exte	ilitary? nded camping t erious injury or		Yes Yes Yes	No No No			
Have you even	r received train	ing in? (Circle	all that ap	oply.)				
First Aid CPR EMT LPN RN Other								
Incident Com	mand	Team Building	g	Organizat	tion			
Psychological First Aid Fire Supp			e Suppression		Law Enforcement			
Haz Mat C		Communications		Search an	Search and Rescue			
Disaster Prepa	redness	Weather Emer	gencies	Wilderne	ss Survival			
Damage Assessment Documentation/Record Keeping								

Palm Beach County will provide you with the materials you need to complete this training.

STUDENT COURSE AGREEMENT

I understand that by completing this course I will become familiar with some basic skills to help me render assistance to others only when I deem it safe and necessary for me to do so. I am under no obligation at all or required to, expected to, or directed to, by virtue of having received this training, to render any aid or become involved in any emergency response activities, including those activities otherwise approved and "mission tasked" by Palm Beach County, that would make me feel uncomfortable or have the potential to cause me physical or emotional injury.

I recognize the fact that I will receive a "Certificate of Completion" only upon the completion of all training modules and upon a successful evaluation and testing as approved by the trainer of this course. In order to identify those classes I have successfully completed, I hereby consent to allow Palm Beach State College to provide Palm Beach County Division of Emergency Management copies of the sign in sheets for each class, and for Palm Beach County Division of Emergency Management to use this information to determine eligibility for the CERT Certificate of Completion.

I hereby acknowledge receipt of "Legal Considerations of CERT Participants" and have executed the "Release, Hold Harmless and Indemnification Agreement."

Signature

Printed Name

Date

Community Emergency Response Team Program (CERT) Palm Beach County

CERT Program Agreement

(Please Print Clearly)

, have completed the Palm

Beach County Community Emergency Response Team Training Program. I understand that as a member of CERT my role is limited to attending the Palm Beach County CERT program. I have read, understand, and agree to the handouts identifying Program Rules and Regulations, and CERT Actions in a Disaster. I understand that I am responsible for training kits that are issued to me by Palm Beach County. I recognize that as a member of CERT I do not have the authority, power, or legal rights of action of Florida-certified law enforcement officers, firefighters or paramedics. Finally, I understand that as a member of CERT my responsibilities are to myself, my family, and my neighbors and secondly to the surrounding neighborhood. I may be considered a volunteer, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Signature

Ι,

Date

Printed Name





Community EmergencyResponse Team Program (CERT)

Legal Considerations

Palm Beach County Department of Public Safety Division of Emergency Management

RELEASE, HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

THIS RELEASE, HOLD HARMLESS, AND INDEMNIFICATION AGREEMENT is voluntarily given and executed by:

(Your name)

in consideration of Palm Beach County through Emergency Management providing "Community Emergency Response Team (CERT) Training.

In return, "_____" hereby releases, agrees and (Your name)

promises to hold harmless and indemnify Palm Beach County and its officers, employees, agents, or servants, from and against any and all liability, claims, demands, damages, fines, penalties, expenses, fees, suits, proceedings, actions and cost of actions including attorney's fees, for trial and/or on appeal, of any kind or nature arising or growing out of or in any way connected, directly or indirectly, with any act or omission of Palm Beach County and its officers, employees, agents, or servants, or arising or growing out of or in any way connected, directly or indirectly, with or as a result of the CERT training as stated above.

DATED this	day of			, at	
(Day)		(Month)	(Year)	(City)	
Palm Beach County	, Florida.				
Signature			_		
Printed Name			-		

Community Emergency Response Team Program (CERT) Palm Beach County STATUS OF CERT PARTICIPANTS

CERT training participants who successfully complete the CERT training would be considered **volunteers** of Palm Beach County, but not **employees** or agents of Palm Beach County, only and exclusively when the County "mission tasks" their services during a declared emergency. CERT training participants will be considered volunteers, only and exclusively when the County "mission tasks" their services during a declared emergency. The scope of being deemed "mission tasked" is at the sole discretion and control of the County on the services to be provided, the duration of such services and supervision required.

Once "mission tasked", a CERT participant is entitled to the same privileges, immunities or insurance coverage afforded to other volunteers of Palm Beach County. Such protections include limited immunity from liability for acts performed within the volunteer's scope of work as a mission-tasked volunteer, as well as legal representation if the volunteer becomes the defendant in a lawsuit which occurred as a result of acts performed in the course of the volunteer's duties.

Volunteers may also have certain personal immunity from civil liability under the Florida Good Samaritan Act (See handout / Fla. Stat. 768.13).

Should Palm Beach County officially request the services of CERT training participants for "mission tasked" duties during emergencies and otherwise deemed volunteers, then such volunteers may be have ceratin protection against civil liability under the *Florida Volunteer Protection Act* (See handout / Fla. Stat. 768.1355) if they are acting within the scope of Palm Beach County officially mission tasked duties.

I understand by completing this course I will learn certain basic skills which may help me provide assistance to others at my discretion, (only in disaster situations) when I deem it safe and necessary for me to do so. I am under no obligation at all or required to, expected to, or directed to, by virtue of having received this training, to render any aid or become involved in any emergency response activities, including those activities otherwise approved and "mission tasked" by Palm Beach County, that would make me feel uncomfortable or have the potential to cause me physical or emotional injury.

I hereby acknowledge receipt of and reading the above statement entitled "Status of CERT Participants" and have executed the "Release, Hold Harmless, and Indemnification Agreement."

Signature

Date

Printed Name



Denise M. Nieman County Attorney

P.O. Box 1989 West Palm Beach, FL 33402-1989 (561) 355-2225 Suncom: (561) 273-2225 FAX: (561) 355-4398 www.pbcgov.com



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Robert Weisman

"An Equal Opportunity Affirmative Action Employer"



MEMORANDUM

DATE: September 2, 2010

TO: Bill Johnson Director, Division of Emergency Management

FROM: Gentry Denise Benjamin Assistant County Attorney

County CERT Volunteer Program

Bill,

RE:

You asked for the County Attorney Office's position regarding legal representation for CERT Volunteers.

After reviewing this issue, as well as the CERT Volunteer Packet, it is this office's position that mission-tasked volunteers, designated by the County to perform specific tasks during an emergency, may be entitled to the same protections provided volunteers of other County programs. Such protections include limited immunity from liability for acts performed within the volunteer's scope of work as a mission-tasked volunteer, as well as legal representation if the volunteer becomes the defendant in a lawsuit which occurred as a result of acts performed in the course of the volunteer's duties.

I hope this sufficiently addresses your concerns. If you have any questions, please do not hesitate to give me a call at (561) 355-2501.

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