

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-273

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Commonwealth of Virginia, Virginia Department of Emergency Management, and the City of Richmond, on Behalf of the Richmond Department of Fire and Emergency Services Water Rescue Team Memorandum of Understanding between the City of Richmond, Virginia, and the Commonwealth of Virginia, Department of Emergency Management, for the purpose of establishing cooperation between the City's Department of Fire and Emergency Services and the Commonwealth of Virginia, Department of Emergency Management in the furnishing of certain swiftwater rescue services.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, be and is hereby authorized to execute a Commonwealth of Virginia, Virginia Department of Emergency Management, and the City of Richmond, on Behalf of the Richmond Department of Fire and Emergency Services Water Rescue Team Memorandum of Understanding between the City of Richmond, Virginia, and the Commonwealth of Virginia, Department of Emergency

AYES: 9 NOES: 0 ABSTAIN: _____

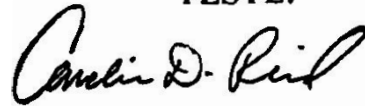
ADOPTED: FEB 8 2021 REJECTED: _____ STRICKEN: _____

Management, for the purpose of establishing cooperation between the City's Department of Fire and Emergency Services and the Commonwealth of Virginia, Department of Emergency Management in the furnishing of certain swiftwater rescue services. The Commonwealth of Virginia, Virginia Department of Emergency Management, and the City of Richmond, on Behalf of the Richmond Department of Fire and Emergency Services Water Rescue Team Memorandum of Understanding shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carolin D. Reed".

City Clerk

RECEIVED

By Barbara Fore at 8:35 am, Dec 07, 2020



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

2020-189
NOV 19 2020

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: September 25, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lenora Reid, Acting Chief Administrative Officer

THROUGH: John Wack, Director of Finance

THROUGH: Jay Brown, Director of Budget and Strategic Planning

FROM: Chief Melvin Carter, Fire Chief

RE: Acceptance of the attached Memorandum of Understanding for 2019 SHSP Swift water Project

ORD. OR RES. No. _____

PURPOSE: To authorize the Acting Chief Administrative Officer to execute a Memorandum of Understanding between the City of Richmond Department of Fire and Emergency Services and the Virginia Department of Emergency Management in support of the 2019 SHSP Special Operations Swift water Project in the amount of \$76,000 from the Virginia Department of Emergency Management.

REASON: The Virginia Department of Emergency Management has awarded a grant to the City of Richmond Department of Fire and Emergency Services through its 2019 State Homeland Security program that must be supported by an executed Memorandum of Understanding with the City of Richmond.

RECOMMENDATION: The City Administration recommends adoption of this Ordinance.

BACKGROUND:

This Memorandum of Understanding was issued with the full support of the Virginia Department of Emergency Management in support of equipment for the Special Operations Team within the City of Richmond Department of Fire and Emergency Services. This Memorandum of Understanding outlines all training, staff, and equipment requirements needed to undergird the grant award.

O&R Request

Page 2 of 2

FISCAL IMPACT / COST: Failing to adopt this Memorandum of Understanding will negate the \$76,000 awarded by the Virginia Department of Emergency Management.

FISCAL IMPLICATIONS: Acceptance of this Memorandum of Understanding will allow the City of Richmond Department of Fire and Emergency Services to further its goal of supporting local emergency services activities.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$0

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Public Safety

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A

AFFECTED AGENCIES: The Department of Finance, the Department of Budget and Strategic Planning and the City of Richmond Department of Fire and Emergency Services

RELATIONSHIP TO EXISTING ORD. OR RES.: Adopted Special Fund Ordinance #2019-042

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Grant Award Letter

STAFF: Fire Chief Melvin Carter, 804-646-5451

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-026

To authorize the Chief Administrative Officer to accept grant funds in the amount of \$76,000.00 from the Virginia Department of Emergency Management, and to appropriate the funds received to the Fiscal Year 2019-2020 Special Fund Budget by increasing estimated revenues and the amount appropriated to the Department of Fire and Emergency Services' SHSP Special Fund by \$76,000.00 for the purpose of funding improvements to the Department of Fire and Emergency Services' swift water and flood rescue specialty teams.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 10 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept funds in the amount of \$76,000.00 from the Virginia Department of Emergency Management for the purpose of funding improvements to the Department of Fire and Emergency Services' swift water and flood rescue specialty teams.

§ 2. That the funds received are hereby appropriated to the Special Fund Budget for the fiscal year commencing July 1, 2019, and ending June 30, 2020, by increasing estimated revenues

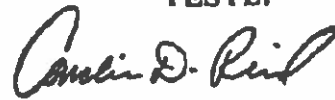
AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 10 2020 REJECTED: _____ STRICKEN: _____

by \$76,000.00, increasing the amount appropriated for expenditures by \$76,000.00, and allotting to the Department of Fire and Emergency Services' SHSP Special Fund the sum of \$76,000.00 for the purpose of funding improvements to the Department of Fire and Emergency Services' swift water and flood rescue specialty teams.

§ 3. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carol D. Reed".

City Clerk



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-9571
JAN 08 2020
Office of the Chief Administrative Officer

O&R REQUEST

DATE: January 8, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

Handwritten: 8/11/2020

RECEIVED

THROUGH: Lenora Reid, Acting Chief Administrative Officer

JAN 15 2020

THROUGH: Jay Brown, Director of Budget and Strategic Planning

Handwritten: JAS

OFFICE OF THE CITY ATTORNEY

THROUGH: John Wack, Director of Finance

Handwritten: JD for JBW

FROM: Chief Melvin Carter, Fire Chief

Handwritten signature

RE: Acceptance of Grant Funding

ORD. OR RES. No. _____

PURPOSE: To authorize the Acting Chief Administrative Officer to accept \$76,000 from the Virginia Department of Emergency Management and appropriate an amount of \$76,000 to the Department of Fire and Emergency Services FY2020 Special Fund Budget.

REASON: The Virginia Department of Emergency Management has awarded a grant to the Richmond Department of Fire and Emergency Services through its 2019 State Homeland Security Program (SHSP) through a competitive grant process. The Virginia Department of Emergency Management has provided funding from its State Homeland Security Grant (SHSP) to localities in order to strengthen the capacity of their swift water and flood rescue specialty teams.

RECOMMENDATION: The City Administration recommends adoption of this Ordinance.

BACKGROUND: This grant initiative was awarded with the full support of the Virginia Department of Emergency Management for updates to the camera system on the City's Mobile Command Post.

FISCAL IMPACT / COST: The total additional amount of this award is \$76,000 with no matching funds requirement.

O&R Request

Page 2 of 2

FISCAL IMPLICATIONS: Acceptance of this award will allow the City of Richmond's Department of Fire and Emergency Services to further its goal of supporting local emergency services activities during emerging incidents and special events.

BUDGET AMENDMENT NECESSARY: Yes to amend Special Fund Ordinance #2019-042

REVENUE TO CITY: The City of Richmond will receive a total of \$76,000 in grant funding from the Virginia Department of Emergency Management to be appropriated to the FY2020 Special Fund Budget.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Public Safety

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: N/A

AFFECTED AGENCIES: The Department of Finance, the Department of Budget and Strategic Planning and the City of Richmond Department of Fire and Emergency Services

RELATIONSHIP TO EXISTING ORD. OR RES.: Adopted Special Fund Ordinance #2019-042

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Grant Award Letter

STAFF: Fire Chief Melvin Carter, 804-646-5451

JEFFREY D. STERN, Ph D
State Coordinator

CURTIS C BROWN
Chief Deputy State Coordinator/
Chief Diversity and Inclusion Officer



JOHN NORTHON
Deputy State Coordinator – Disaster Services

ANDRES ALVAREZ
Deputy State Coordinator – Mission Support

COMMONWEALTH of VIRGINIA
Department of Emergency Management

10501 Trade Court
North Chesterfield, Virginia 23236-3713
Tel. (804) 837-6500 TDD (804) 674-2417 FAX (804) 837-6506

October 08, 2019

Ms. Lenora Reid
Acting Chief Administrative Officer
Richmond, City of
900 E. Broad Street, Suite 201
Richmond, VA 23219

RE: FY 2019 State Homeland Security Program Grant (SHSP)

Dear Ms. Reid:

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of a 2019 State Homeland Security Program Grant (SHSP) Assistance Listings No. 97.067 from the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA). Appropriation authority for this program is *The Department of Homeland Security Appropriations Act, 2019 (Public Law 116-6)*. Your locality has been allocated funding for:

EGMS Award Title: FY 19 SHSP Special Ops Swiftwater/Flood Rescue Team

Proposal Title: Swiftwater/Flood Rescue Team

Federal Grant Allocation: \$76,000.00

Subrecipient's Required Cost Share/Match Amount: N/A

Total Grant Award: \$76,000.00

Obligation Period: October 01, 2019 to June 30, 2021

This letter serves as notification of your allocation and is not an authorization to incur expenditures. Funds will be formally awarded to your locality through a Grant Agreement issued by VDEM upon its satisfactory review of your application package submission and approval of a budget application in VDEM's electronic Grants Management System (eGMS).
You must initiate these steps, described under *Accessing Your Allocation*, within 30 days from the date of this notification

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Ms. Lenora Reid
Page 2 of 6
October 08, 2019

OPT-Out Notice

Complete and return this form via email to: vdemgrants@vdem.virginia.gov with the subject line: "OPT-Out Notice", **before November 08, 2019.**

I **do not** want to be a recipient of the SHSP funds at this time, but reserve the right to enter the program next fiscal year.

Please note that your decision will not be made effective until **November 08, 2019.**

PRINT Name: _____

Signature: _____
CITY/TOWN or COUNTY OFFICIAL

Date: MM/DD/YYYY

Program Objectives

The objective of the State Homeland Security Program is to assist state and local preparedness activities that address high-priority preparedness gaps across all core capabilities that support terrorism preparedness. All supported investments are based on capability targets and gaps identified during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and assessed in the State Preparedness Report (SPR).

The FY 2019 Homeland Security Grant Program (HSGP) supports state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. References to these priorities can be found throughout this document. The FY 2019 HSGP provides funding to implement investments that enhance terrorism preparedness and serve to build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The allowable costs under FY 2019 HSGP support the core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery.

Important Award Terms and Conditions

This award is currently ON HOLD. Please DO NOT obligate funds until you have received a written authorization from VDEM Virginia Department of Emergency Management providing approval to obligate and expend the FY19 SHSP Special Ops Swift Water/Flood Rescue Team.

Subrecipients must comply with the following federal requirements:

- FY 2019 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity Homeland Security Grant Program (HSGP) NOFO
- Department of Homeland Security Standard Terms and Conditions for 2019 DHS Standard Terms and Conditions

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- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR Part 200 Uniform Administrative Requirements

Management and Administration (M&A)

Your local emergency management agency may retain and use up to five percent of the award for local management and administration purposes. M&A activities are those directly related to managing and administering SHSP Program funds, such as financial management and monitoring. It should be noted that salaries of local emergency managers are not typically categorized as M&A, unless the local emergency management agency chooses to assign personnel to specific M&A activities.

Indirect (Facilities & Administrative [F&A]) Costs

Indirect costs are allowable under this program, as described in 2 C.F.R. § 200.414. With the exception of recipients who have never received a negotiated, indirect cost rate as described in 2 C.F.R. § 200.414(f), recipients must have an approved indirect cost rate agreement with their cognizant Federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant's cognizant Federal agency) is required at the time of application, and must be provided to FEMA before indirect costs are charged to the award.

Accessing Your Allocation

To access your allocation, you must complete the following steps within 30 days from the date of this notification:

Step 1: Log in to the VDEM electronic Grants Management System (eGMS) at <https://www.ttegms.com/virginia/login.cfm> to download your subaward acceptance documents from the home page. Re-upload all required forms to eGMS. Read how to upload required forms by [clicking here](#) to view the home page of your eGMS user account. Below is the list of required items that comprise the VDEM subaward acceptance package:

- Application Checklist [cover sheet]
- SHSP Proposal Form
- Online Budget (to be built and submitted in eGMS)
- Points of Contact (POC) Form
- FEMA Environmental and Historic Preservation (EHP) Screening Form
 - All projects must comply with EHP requirements. Subrecipients must not obligate and/or expend any (federal and/or non-federal matching) funds on any project having the potential to impact environments planning and historical preservation resources without the prior approval of FEMA. For more information, please visit <http://www.vaemergency.gov/em-community/grants/> or contact your Grants Administrator.
- Grant Assurances Form
- FEMA 20-16C Form
- SF-LLL – Certification Regarding Lobbying Form

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Ms. Lenora Reid
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- ****Federally Negotiated Indirect Cost Rate Agreement – [**Only required if you intend to charge indirect costs. Must be valid for the period of performance and federally signed]**

Step 2: Log in to the VDEM electronic Grants Management System (eGMS) at <https://www.ltegms.com/virginia/login.cfm> to complete and submit a budget application for your allocation. If you do not have access to eGMS, please contact your Grants Administrator. [Click on Grant Management, Budget Application, from the drop-down menu. Click the link named 2019 State Homeland Security Program Grant (SHSP) to complete your budget application.]

Following review and approval of the budget by the Grants Administrator, notification will be sent through an eGMS automated email message to the subrecipient point of contact entered in the budget application.

Reporting

Subrecipients are obligated to submit Quarterly Progress Reports as a condition of their subaward. Quarterly progress reports must be uploaded directly into your eGMS account within **15 days** following the end of the quarter. The schedule for reporting is as follows:

Timetable and Deadlines for 2019 HSGP Progress Reporting (includes SHSP, UASI and NSGP subawards):

[Quarter 1 of 7] Time Period: September 1, 2019 to November 30, 2019

Quarter 1 Report Due: On or Before December 15, 2019

[Quarter 2 of 7] Time Period: December 1, 2019 to February 28, 2020

Quarter 2 Report Due: On or Before March 15, 2020

[Quarter 3 of 7] Time Period: March 1, 2020 to May 31, 2020

Quarter 3 Report Due: On or Before June 15, 2020

[Quarter 4 of 7] Time Period: June 1, 2020 to August 31, 2020

Quarter 4 Report Due: On or Before September 15, 2020

[Quarter 5 of 7] Time Period: September 1, 2020 to November 30, 2020

Quarter 5 Report Due: On or Before December 15, 2020

[Quarter 6 of 7] Time Period: December 1, 2020 to February 28, 2021

Quarter 6 Report Due: On or Before March 15, 2021

[Quarter 7 of 7] Time Period: March 1, 2021 to May 31, 2021

Quarter 7 Report Due: On or Before June 15, 2021

HSGP Final Progress Reports:

Due: On or Before July 30, 2021

Within 30 days following the end of the period of performance, subrecipients must upload a Final Progress Report detailing all accomplishments throughout the period of performance into their eGMS account. After these reports have been submitted, reviewed and approved by the Grants Office and Chief Regional Coordinators, a close-out notice will be issued which will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the record retention requirements for grant records. The subrecipient

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Ms. Lenora Reid
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must return any funds that have been drawn down, but remain unliquidated in its financial records.

Period of Performance Extensions

Extensions to this program are allowed. Extensions to the initial period of performance identified in the subaward will only be considered through formal, written requests addressed to VDEM, and must contain specific and compelling justifications as to why an extension is required. Subrecipients are advised to coordinate with the Grant Administrator, as needed, when preparing an extension request. All extension requests must address the following:

1. Grant program, fiscal year, and subaward ID number in eGMS
2. Reason for delay that must include details of the legal, policy, or operational challenges that prevent the final outlay of awarded funds by the applicable deadline
3. Current status of the activity/activities
4. Approved period of performance termination date and new project completion date
5. Amount of funds drawn down to date
6. Remaining available funds, both Federal and non-Federal
7. Budget outlining how remaining Federal and non-Federal funds will be expended
8. Plan for completion, including milestones and timeframes for achieving each milestone, and the position/person responsible for implementing the plan for completion
9. Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work, as described in the approved budget.

Extension requests will be granted only due to compelling legal, policy, or operational challenges. Extension requests will only be considered for the following reasons:

- Contractual commitments by the grant recipient with vendors or subrecipients prevent completion of the project within the existing period of performance
- The project must undergo a complex environmental review that cannot be completed within existing period of performance
- Projects are long-term by design and therefore acceleration would compromise core programmatic goals
- Where other special circumstances exist

Recipients must submit all extension requests to VDEM via upload into eGMS no later than 90 days prior to June 30, 2021.

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Ms. Lenora Reid
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Please initiate the steps described under *Accessing Your Allocation* within 30 days from the date of this notification. If you have any questions regarding this award, please contact Lisa Foley in the Grants Office at 804-897-9767 or lisa.foley@vdem.virginia.gov.

Sincerely,



Jeffrey D. Stern, Ph.D.

JDS/laf

cc: Mr. Anthony D. McLean, Coordinator, Emergency Management
Mr. Brian Turnage, Chief of Special Ops
Mr. Jack King, Director of Regional Support, East Division
Mrs. Donna Pletch, Chief Regional Coordinator, Region 1

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**COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT
AND
THE CITY OF RICHMOND, ON BEHALF OF THE
RICHMOND DEPARTMENT OF FIRE AND EMERGENCY SERVICES
WATER RESCUE TEAM**

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made by and between the Commonwealth of Virginia, Department of Emergency Management (VDEM) and the City of Richmond, a political subdivision within the Commonwealth of Virginia.

WHERE AS, There exists within the Commonwealth of Virginia the potential for serious accidents, as well as man-made and natural disasters; and

WHERE AS, The public health, safety and welfare may be threatened as a result of these incidents; and

WHERE AS, The VDEM is authorized by Va. Code Ann. § 44-146.18 to enter into agreements, necessary or incidental to performance of any of its duties, with political subdivisions; and

WHERE AS, The City of Richmond is the host jurisdiction of the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team; and

WHERE AS, The City of Richmond and VDEM desire to enhance the Commonwealth's Emergency Management capabilities to protect the environment and the health, safety, and welfare of the citizens of the Commonwealth from the dangers and potential dangers of accidents and incidents during natural and man-made emergencies (to include acts of terrorism) by entering into this Agreement for the City of Richmond to provide a Swiftwater Rescue Team to areas impacted by events in the Commonwealth of Virginia or to fulfill a request for assistance under the Emergency Management Assistance Compact (EMAC), Va. Code Ann. § 44-146.28:1.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

I. RESPONSIBILITIES OF VDEM

- A. VDEM shall request Richmond Department of Fire and Emergency Services Swiftwater Rescue Team assistance in accordance with the procedures set forth in Appendix A.
- B. VDEM shall reimburse all eligible expenses incurred during a VDEM-authorized response in accordance with the below procedure.

- C. VDEM will place Richmond Department of Fire and Emergency Services Swiftwater Rescue Team in the non-competitive category of the State Homeland Security Grant program in order to provide access to additional potential funding to support team equipment and training aligned with published annual Swiftwater Rescue program grant funding priorities.

II. RESPONSIBILITIES OF THE HOST JURISDICTION

- A. The City of Richmond agrees to provide:
- a. A Swiftwater Rescue Team meeting the minimum personnel/equipment standards of a FEMA Type 4 SWR Team, but not to exceed the personnel/equipment standards of a FEMA Type 1 SWR Team.
 - b. Team response 24 hours per day, seven days per week, at the request of VDEM, within four hours of notification with capability to self-sustain operations for at least 24 hours. See Appendix A.
 - c. Access to team equipment and training records to the VDEM program management staff during normal business hours. A roster of team personnel will be furnished to the VDEM Swiftwater Rescue Program Manager on a semi-annual basis or when personnel rotate on or off the roster; roster must include training and credentialing maintained by each team member.
 - d. A written response report to VDEM within 24 hours following a response.
 - e. An inventory of available team equipment annually. In addition, the inventory will be resubmitted anytime equipment is added or removed from assignment to the Team.
- B. Report team readiness to the VDEM's Situation Awareness Unit to ensure it maintains an accurate team status at all times. VDEM will assume the team is ready unless notified the team is out of service or under a delayed response beyond the required deployment time. Nature of status will be reported as well (mechanical, personnel, training-delayed response, etc.) along with an estimate on when the team will return to a ready status. In addition, team will report response updates to the SAU which includes: acknowledge activation, enroute, on-scene, clearing the scene, and back in quarters. Status may be reported by phone, through the locality's PSAP, or via STARS radio.
- C. Richmond Department of Fire and Emergency Services Swiftwater Rescue Team agrees to maintain training proficiency for all team members by having them complete, as a minimum, 24 hours of continuing education annually and participate in annual drills or exercises developed or sponsored by VDEM.
- D. For the life of this agreement, Richmond Department of Fire and Emergency Services Swiftwater Rescue Team will maintain all Swiftwater Rescue Team equipment purchased with funds provided through VDEM.

- E. Richmond Department of Fire and Emergency Services Swiftwater Rescue Team agrees to participate with VDEM and other State Special Operations teams in the strategic planning process and abide by its implementation.
- F. Richmond Department of Fire and Emergency Services Swiftwater Rescue Team agrees to coordinate with other VDEM Special Operations teams to ensure interoperability and standardization of equipment.
- G. Richmond Department of Fire and Emergency Services Swiftwater Rescue Team agrees to support request for assistance under the Emergency Management Assistance Compact (EMAC) when able.

III. REIMBURSEMENT PROCEDURE

- A. Reimbursement will vary based on the incident. The below Cost/Share Matrix indicates funding responsibility by type of call.

Type of Event	Responsible Party
Emergency (State Declaration)	VDEM
Emergency (Non-Declared)	Requesting Locality
Pre-Planned Event	Responsible party(ies) will be established/negotiated between the team, requesting locality, and VDEM based on incident threat, risk, and anticipated attendance.
Emergency Management Assistance Compact Request	Requesting State/Locality per EMAC Acceptance

- B. Payment will be made only for authorized expenses for responses authorized by VDEM and for incidents based on the above cost/share matrix. Authorized expenses include the following:
 - 1. Payment of salaries, wages, fringe benefit costs of response personnel, and other expenses (in accordance with state guidelines) incurred during a response activated by VDEM. Time billed will start when the team is activated by VDEM and concludes when the team has returned to their base of operations in their locality

(portal-to-portal). Up to four additional hours for equipment cleanup (when necessary) are authorized and also costs associated with backfill personnel.

2. Payment for or resupply of expendable materials used during the incident.
 3. Payment for or replacement of nonexpendable items damaged beyond economical repair. A statement is required documenting extent of damage, length of time in use, and condition of item at time of damage.
 4. Payment for repair of nonexpendable items.
 5. Payment of workers' compensation claims.
 6. Reimbursement for the use of team equipment using the below schedule.
 7. Payment for vehicle insurance deductible only (up to \$1,000) if the vehicle is involved in an accident on a State response. If a third party is involved in an incident and is at fault, collection will be attempted by the team from the third party before VDEM will reimburse.
- C. Team will submit a Cost Recovery Form to VDEM's Chief Financial Officer within 60 days following a response to request reimbursement of authorized expenses as outlined above. Payment will be made within 30 days of VDEM cost validation.
- D. The latest FEMA Schedule of Equipment Rates will be used to determine equipment use cost (see 44 CFR § 206.228). Mileage reimbursement will be at the current IRS rate.

IV. LIABILITIES

- A. VDEM agrees that the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team is an authorized agent of VDEM when its personnel are responding to a VDEM activated request.
- B. Pursuant to § 44-146.23 of the Code of Virginia, when the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team is an authorized agent of VDEM and acting within the scope of such authorization, the Team and its members enjoy limited protection from liability to the same extent as a State employee when deployed by VDEM under the circumstances of this Agreement. Virginia Code Ann. § 44-146.23 does not preclude liability for civil damages as a result of gross negligence, recklessness or willful misconduct.
- C. In accordance with Va. Code Ann. § 65.2-101, any member of the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team who responds to an incident upon request of VDEM, shall be deemed an employee of VDEM for the purposes of the Virginia Workers' Compensation Act. This includes costs

associated with medical care related to an illness or injury suspected of being caused or actually caused by acute illness/injury as a result of State response activities.

V. RIGHT TO REFUSE RESPONSE REQUEST

The City of Richmond reserves the right to refuse a VDEM request for the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team if its resources are already committed to other activities, emergencies, or other impending weather or disaster related events. The SAU must be notified immediately anytime the team is out of service due to these circumstances.

VI. TERMINATION

This Agreement may be terminated by either party upon 60 days written notice thereof to the other party. Upon termination, all equipment purchased with grant funds awarded for the purpose of establishing a statewide Swiftwater Rescue Program will be returned to VDEM so that they may be reallocated to support the state program. Equipment that has been in service for more than 3 years and/or exceeded 50% of its service life will remain with the team.

VII. ENTIRE AGREEMENT

- A. This Agreement, including all Appendices, may be modified from time to time by written agreement of the parties hereto and which Appendices are hereby incorporated by reference as a part of this Agreement, represents the entire and integrated Agreement between the parties and supersedes any and all prior negotiations, representations, or agreements, either oral or written. This Agreement may be amended only by written instrument signed by all authorized representatives of all parties of said Agreement.
- B. This Agreement shall not preempt any existing mutual aid agreements (written or verbal) now in effect by the City of Richmond.
- C. This Agreement is not legally enforceable by any third party, does not create enforceable rights in any third party, nor shall any third party be considered a third party beneficiary of this Agreement. As such it does not imply or assume any waiver of sovereign immunity by the Commonwealth of Virginia or the City of Richmond.
- D. This agreement supersedes and cancels any previous agreements signed between VDEM and the City of Richmond relating to the Swiftwater Rescue Team.

VIII. DURATION OF MEMORANDUM OF UNDERSTANDING

- A. This MOU is effective upon the signature the State Coordinator of VDEM or his designee, and will expire June 30, 2025.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by the following duly authorized persons:

City of Richmond by: Melvin D. Carter

Signature: _____

Title: Chief, Richmond Department of Fire and Emergency Services

Date: _____

City of Richmond by: Lenora Reid

Signature: _____

Title: Acting Chief Administrative Officer

Date: _____

Virginia Department of Emergency Management

by: Curtis C. Brown

Signature: _____

Title: State Coordinator

Date: _____

APPENDIX A

RESPONSE PROCEDURES

VDEM will activate the Richmond Department of Fire and Emergency Services Swiftwater Rescue Team by notifying the team leader and/or pre-designated personnel through the Everbridge Mass Notification System. The locality's team leader or pre-designated individual will immediately notify the appropriate personnel to facilitate the rapid deployment of the team. To the extent known at the time, requests shall specify:

1. The nature of the emergency and its location
2. The capability that is needed by the requesting jurisdiction
3. The types and amounts of resources needed including the number of response personnel (VDEM will determine the number of personnel required during the initial response phase of an incident)
4. The address and location of where the resource should report
5. The name of the official to whom the assisting personnel shall report, and tactical radio channels in use at the incident
6. State / EMAC mission number

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by the following duly authorized persons:

City of Richmond by: Melvin D. Carter

Signature: _____

Title: Chief, Richmond Department of Fire and Emergency Services

Date: _____

City of Richmond by: Lenora Reid

Signature: _____

Title: Acting Chief Administrative Officer

Date: _____

Virginia Department of Emergency Management

by: Curtis C. Brown

Signature: _____

Title: State Coordinator

Date: _____

Approved as to form

