

**COUNTY ATTORNEY**

Fort Bend County, Texas

**BRIDGETTE SMITH-
LAWSON**
County Attorney

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REVIEW FORM

On June 1, 2021, the County Attorney's Office reviewed the following:

Contract Request No. 21-OEM-100830:

Memorandum of Understanding Between The American Red Cross and Fort Bend County, Texas concerning Disaster Situations.

The aforementioned document has been reviewed and is Approved as to legal form.

BRIDGETTE SMITH-LAWSON
FORT BEND COUNTY ATTORNEY

LaNetra S. Lary,
Assistant County Attorney

Memorandum of Understanding

Between

The American Red Cross

and

County of Fort Bend, Texas

FOR IMMEDIATE RED CROSS ASSISTANCE

24 HOURS A DAY

7 DAYS A WEEK

866-526-8300

I. Purpose

The purpose of this Memorandum of Understanding ("MOU") is to define a working relationship between The American Red Cross (hereinafter "Red Cross") and the Office of **Emergency Management, Fort Bend County, Texas** its agencies, and municipalities (hereinafter **Fort Bend County, Texas**), in preparing for and responding to certain disaster situations. This MOU provides the broad framework for cooperation between the Red Cross and **Fort Bend County, Texas** in rendering assistance and service to victims of disaster, as well as other services for which cooperation may be mutually beneficial.

II. Independence of Operations

Each party to this MOU will maintain its own identity in providing service. Each organization is separately responsible for establishing its own policies and procedures and financing its own activities.

III. Disasters Covered by this MOU

The Red Cross provides disaster services pursuant to its Bylaws and other internal policies and procedures as well as its Congressional Charter, codified at Title 36, Sections 300101-300111, of the United States Code (1998). In the Charter, Congress authorized the Red Cross "to carry out a system of national and international relief in time of peace, and apply that system in mitigating the suffering caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry out measures for preventing those calamities."

The Red Cross role was reaffirmed in the 1974 Disaster Relief Act (Public Law 93- 288), the 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707), and the Disaster Mitigation Act of 2000 (Public Law 106-390). The Federal law governing disaster relief, found in Title 42, Chapter 68 of the United States Code, defines "emergencies" and "major disasters" as follows:

"Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

"Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

On a local level, the Red Cross responds to all kinds of disasters, whether or not they are the subject of a presidential declaration. The disasters to which the Red Cross responds include any threatening event of such destructive magnitude and force as to dislocate people, separate family members, damage or destroy homes, or injure or kill people. A disaster produces a range and level of immediate suffering and basic human needs that cannot be promptly or adequately addressed by the affected people and impedes them from initiating and proceeding with their recovery efforts.

Some disasters are natural disasters, such as floods, tornados, hurricanes, typhoons, winter storms, tsunamis, hail storms, thunderstorms, wildfires, windstorms, epidemics, and earthquakes. Human-caused disasters, which may be intentional or unintentional, include residential fires, building collapses, transportation accidents, hazardous materials releases, explosions, and domestic acts of terrorism. All of these are within the Red Cross mission.

IV. Organization of the American Red Cross

The national headquarters of the Red Cross is located in Washington, D.C. National headquarters is responsible for implementing policies and procedures that govern Red Cross activities and providing administrative and technical supervision and guidance to the chartered units, which include chapters and blood services regions. Each chapter has certain authority and responsibility for carrying out Red Cross disaster preparedness and response activities, delivering local Red Cross services, and meeting corporate obligations within the territorial jurisdiction assigned to it. Each chapter is familiar with the hazards of the locality and surveys local resources for personnel, equipment, supplies, transportation, emergency communications, and facilities available for disaster relief. The chapter also formulates cooperative plans and procedures with local government agencies and private organizations for relief activities should a disaster occur. In carrying out their disaster preparedness and response activities, each Community Chapter coordinates with their Regional Chapter for assistance and support. The Regional Chapter coordinates their regional response with the American Red Cross Disaster Operations Center in Washington D.C. which provides immediate technical and logistical support to chapters.

Through its nationwide organization, the Red Cross coordinates its total resources for use in large disasters. Services are provided to those in need regardless of citizenship, race, religion, age, sex, disability or political affiliation. In providing disaster services, the Red Cross follows the Fundamental Principles of the International Red Cross and Red Crescent Movement.

V. American Red Cross Disaster Relief Assistance

Red Cross emergency assistance is designed to minimize the immediate suffering caused by a disaster by providing food, clothing, shelter, first aid, and other assistance to address basic

human needs. Red Cross emergency assistance may be provided either as mass care, individual assistance, or a combination of the two, depending on the victims' needs. Mass care is provided through any combination of three integrated elements: 1) individual or congregate temporary public shelters; (2) fixed or mobile feeding operations, and (3) distribution of relief supplies. Individual assistance is provided to individuals and families through the purchase of needed items and/or services or referrals to other agencies and organizations that offer assistance to disaster victims at no charge. The Red Cross also processes welfare information requests. In addition to emergency assistance, the Red Cross participates in community recovery programs after major disasters.

Red Cross disaster response activities vary depending upon the nature and scope of the required response, as follows:

Mass Casualty Incidents: Mass casualty incidents are usually the result of transportation accidents, fires in high-occupancy structures, industrial accidents or similar disasters. In mass casualty disasters, the Red Cross closely coordinates with the authorities at the scene (including firefighters, police, and government agencies) and representatives of the owner/operator. Depending on the nature and scope of the disaster, the needs of the victims and workers, and the response of the owner/operator, the Red Cross may engage in a number of activities to assist victims, survivors, families of victims or survivors, emergency workers or others. These services include but are not limited to shelter, food, basic first aid, and mental health services.

Aviation Disasters: The Red Cross has a special role in major aviation disasters. Under the provisions of the Aviation Disaster Family Assistance Act of 1996 (P.L. 104-264), airlines, the National Transportation Safety Board (NTSB), and a "designated independent nonprofit organization" were given specific responsibilities with regard to coordinating the emotional care and support of the families of passengers involved in aviation disasters. The NTSB, as part of its Federal Family Assistance Plan for Aviation Disasters, has designated the Red Cross as the organization responsible for Family Care and Mental Health. The Red Cross has accepted this role and has specially trained staff on call on its "Critical response Team" (CRT) who initiate support within hours of a request from the NTSB for services.

Hazardous Material Situations: When an actual or potential hazardous material situation results in an evacuation, the Red Cross provides emergency mass care until families can return home. If public authorities deem it necessary for families to relocate permanently, the Red Cross works with other community organizations to provide temporary mass care or casework assistance.

The American Red Cross does not provide disaster assistance where government officials or agencies require building evacuation as a result of chronic deferred maintenance, code violations, radon contamination or fire hazards.

Nuclear Facility or Transportation Accidents: In the event of an evacuation due to a nuclear power plant accident or transportation accident involving radioactive materials, the Red Cross provides mass care services for the evacuees and emergency workers. The Red Cross coordinates with public health authorities with respect to health concerns and the possible need for

decontamination, but the Red Cross does not engage in decontamination activities. If the Red Cross is operating evacuation shelters, evacuees and workers must undergo any necessary decontamination before they are admitted to the shelter.

Civil Disorder: Situations involving civil disorder — such as riots or hostage incidents — are not within the usual scope of the Red Cross's disaster relief activities. Nevertheless, when basic human needs are not being met as a result of civil disorder, the Red Cross may participate in community actions to supplement the efforts of civil authorities by providing mass care and other services upon request of appropriate government authorities if Red Cross resources are available. The Red Cross will provide services only in a safe and secure area.

Catastrophic Incident: A catastrophic incident, as defined by the National Response Framework, is any natural or manmade incident, including terrorism that results in extraordinary levels of mass casualties, damage or disruption, and severely affects the population, infrastructure, environment, economy, national morale and/or government functions. A catastrophic incident results in sustained national effects over a prolonged period. In a catastrophic incident, the Red Cross will work closely with appropriate state and local government and non-government partners to provide mass care, including shelter, feeding, first aid, and other assistance to address basic human needs in a safe environment.

Repatriation of U.S. Citizens and Dependents: During the emergency repatriation of U.S. citizens and dependents evacuated from foreign countries during emergencies, the Red Cross will, at designated ports of entry, cooperate with federal, state, local and voluntary agencies involved with their reception, temporary care and onward transportation, to provide shelter, feeding and basic first aid among other services.

Other Events or Situations: In the event of other unforeseen events or situations in which human suffering is involved, the Red Cross will coordinate with appropriate government and non-government partners to provide mass care, including shelter, feeding, first aid, and other assistance to address basic human needs, as resources are available to assist.

VI. Role of Fort Bend County, Texas in Disaster Response Activities

1. Provide guidance and direction for the emergency management program.
2. Take actions to equip and train local emergency responders and officials and to provide appropriate emergency facilities.
3. Declare a local disaster when appropriate. After such declaration, they may issue orders or proclamations invoking specific emergency powers of those granted the Governor in the Texas Disaster Act on an appropriate local scale to respond to and recover from the disaster.

4. Direct the local response to emergency situations using local resources, resources from other jurisdictions covered by mutual aid agreements, and any other on-call emergency resources that the local government may have contracted for.
5. Request external assistance if local resources are inadequate or inappropriate to deal with the emergency situation. The county should be the first source of external assistance for a city. Requests for state assistance should be made by the county judge to the local Disaster District Committee.
6. During emergencies, keeping the public and the local Disaster District Committee informed of the situation.
7. Oversee recovery programs and related hazard mitigation programs after a disaster.

VII. Cooperative Actions

The Red Cross and the State will coordinate in rendering their respective disaster relief activities in the following manner:

1. Maintain close liaison at all levels of both the ARC and **Fort Bend County, Texas** by conferences, meetings, telephone, facsimile, e-mail, and other means. Share current data regarding disasters, disaster declarations, and changes in applicable legislation. Include a representative of the other party in appropriate committees and task forces formed to mitigate, prepare for, respond to, and recover from disasters and other emergencies.
2. Keep each other informed of disaster and emergency situations, the human needs created by the events, and the actions they have taken regarding service delivery to clients.
3. During a disaster the Red Cross will, as appropriate and at the request of **Fort Bend County, Texas**, provides liaison personnel to the **Fort Bend County, Texas** Emergency Operations Center and any district Emergency Operations Centers during a disaster. **Fort Bend County, Texas** will provide space and other required support, such a computer, e-mail access and a designated phone line for the Red Cross liaison personnel assigned to the Fort Bend County Emergency Operations Center.
4. During the time of disaster, keep the public informed of the cooperative efforts through the public information offices of the ARC, **Fort Bend County, Texas**, and the Joint Information Center, if activated.
5. Support the Red Cross in conducting special appeals and campaigns for funds during times of disaster.
6. Allocate the responsibility for joint expenses only in writing and only in advance of any

commitment.

7. Advocate for programs and legislation designed to mitigate disaster damage and loss of life in **Fort Bend County, Texas**
8. Encourage mutual participation and coordination of services to the community.
9. Actively seek to determine other areas/services within the ARC and **Fort Bend County, Texas** where cooperation and support will be mutually beneficial.
10. Use or display the name, emblem, or trade marks of the ARC or **Fort Bend County, Texas** only in the case of defined projects and only with the prior express written consent of the other organization.
11. Make training, educational and other developmental opportunities available to the other party's personnel and explore joint training and exercises. Encourage all staff and volunteers to engage in training and exercises, as appropriate.
12. Explore opportunities for collaboration to provide Community Disaster Education ("CDE") within **Fort Bend County, Texas**. Cooperative efforts could include distributing CDE materials to targeted populations within the community, preparing volunteers as CDE presenters, or jointly developing and implementing CDE plans.
13. Allow the use of each other's facilities, as available and if agreed upon in writing, prior to the event for the purpose of preparedness training, meetings and response and recovery activities.
14. Widely distribute this MOU within the ARC's and **Fort Bend County, Texas** departments and administrative offices and urge full cooperation.

VIII. Periodic Review

The parties will, on an annual basis, on or around the anniversary date of this MOU, jointly evaluate their progress in implementing this MOU and revise and develop new plans or goals as appropriate.

IX. Term and Termination.

This MOU is effective as of June 1, 2021 the date signed by the last party hereto. It expires on November 1, 2026. Six months prior to expiration, the parties will meet to review the progress and success of the cooperative effort. In connection with such review, the parties may decide to

extend this MOU for an additional period not exceeding five years, and if so shall confirm this in a signed writing. This MOU may be terminated by written notification from either party to the other at any time and for any reason or for no reason.

X. Miscellaneous

This MOU does not create a partnership or a joint venture. Neither party has the authority to bind the other to any obligation. It is not intended that this MOU be enforceable as a matter of law in any court or dispute resolution forum. The sole remedy for non-performance under this MOU shall be termination, with no damages or penalty. **This MOU is not a contract.**

Signature page follows.

Fort Bend County

By: 

(Signature)
County Judge KP George

Name: **K.P. George**

Title: **County Judge**

Date 6.8.2021

The American Red Cross

By: 

(Signature)

Name: **Patrick Knapp**

Title: **Disaster Program Manager**

Date: 18 May 2021