

51-22-12

MEMORANDUM OF UNDERSTANDING AND  
INTERLOCAL AGREEMENT TO LEASE PROPERTY

By and Between  
The City of Vancouver and Clark County Fire District 6

**Whereas**, the City of Vancouver (“City”) is a Washington municipal corporation that provides fire protection, fire suppression, and emergency medical services both within its jurisdictional boundaries and outside said boundaries when requested and authorized;

**Whereas**, Clark County Fire District No. 6 (“CCFD6”) is a political subdivision of the State of Washington under Title 52 RCW that provides fire protection, fire suppression, and emergency medical services both within its jurisdictional boundaries and outside said boundaries when requested and authorized;

**Whereas**, the City received a federally funded grant (Port Security Grant Program (PSGP) 2009-PO-T9-K050-VFD-1.2) that enabled the City to purchase a Zodiac inflatable emergency rescue boat (Serial #AVB57369J111), Yamaha 25 HP motor (Model #F25LMHB, Serial #6BPKL-1025210), and accessories (SCBA, Adaptor from Scuba, 25L Marine Fuel Tank, & Prop Guard 11” Safety Orange) [collectively referred to herein as “Zodiac ERB”] for emergency operations as a deployable small craft from the City’s 52-foot fire boat, and,

**Whereas**, the City has not needed to utilize the Zodiac ERB as its larger fire boat has proved itself to be capable of operation in all areas served by the City;

**Whereas**, CCFD6 desires to and has the capability to utilize the Zodiac ERB for emergency operations within its jurisdictional boundaries;

**Whereas**, the terms of the grant require that the City maintain ownership of the Zodiac ERB, but permit the City to lease said property to CCFD6 provided that CCFD6’s use is consistent with the terms of the grant;

Based on the foregoing, the City and CCFD6 hereby mutually agree as follows:

1. In consideration for the releases and other agreements made herein, the City agrees to lease the Zodiac ERB to CCFD6, subject to the following paragraph.
2. CCFD6 shall use the Zodiac ERB for emergency response purposes consistent with the purpose of the grant by FEMA which enabled the City

to purchase the Zodiac ERB, which is provided in further detail in Section II.A of the City's FY 2009 Port Security Grant Program (PSGP) application, a copy of which is attached hereto and incorporated herein by reference.

3. Although the City maintains ownership and ultimate responsibility to maintain the Zodiac ERB, during the time in which the District is authorized to use the Zodiac ERB as outlined in this agreement, the District shall ensure that the Zodiac ERB is maintained to current safety and response standards and functionality.
4. In leasing the Zodiac ERB to CCFD6, the City makes NO WARRANTIES REGARDING THE ZODIAC ERB, EXPRESS OR IMPLIED FOR MERCHANTABILITY OR IMPLIED FOR PARTICULAR PURPOSE, AND THE DISTRICT UNDERSTANDS THAT IT ACCEPTS THE ZODIAC ERB IN AN AS IS CONDITION.
5. In the event any repairs or maintenance of any component of the Zodiac ERB is necessary, CCFD6 shall assume all cost and ensure that such repair and maintenance occurs promptly and without delay.
6. CCFD6 agrees to release, holds harmless, defend, and indemnify, the City from any liability, claims, causes of action, or losses asserted against the City arising out of CCFD6's use and/or maintenance of (or failure to maintain) the Zodiac ERB. CCFD6 will carry all necessary marine property and liability insurance with policy limits of not less than \$1 million providing coverage for maritime incidents and name the City as an additional insured.
7. It is agreed and understood that the City is neither a product seller nor product manufacturer as those terms are defined in chapter 7.72 RCW.
8. No new legal entity is being created by this Agreement.
9. The parties will cover their own administrative overhead costs associated with implementing this Agreement.
10. In the event CCFD6 ceases using the Zodiac ERB for whatever reason, it shall return the same to the City in the same condition as the Zodiac ERB was in at the time this Agreement was first executed with normal wear and tear excepted.


11. Except as otherwise provided herein, this Agreement does not permit the joint or cooperative acquiring, holding and disposing of real and/or personal property.

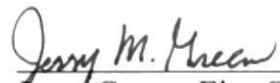
12. This Memorandum of Understanding/Agreement shall continue in force and effect until one party gives the other thirty (30) days written notice to terminate, which may be given with or without cause.

Signed this 10 day of August, 2019.

For the City of Vancouver:

For Clark County Fire District 6:

*for*   
Eric Holmes, City Manager

 7-25-2019  
Jerry Green, Fire Chief

**Objective 4.4** Refine the process for emergency decision-making following loss or disruption of Aids to Navigation and/or regulated facilities

**Gap:** Having response capable vessels will aid in response to situations that may occur due to loss of an Aid to Navigation (ATON) as well as provide a resource that is capable of evaluating and reporting to proper authorities the condition of ATONs.

"The enhancement of agencies' with capable response vessels will reduce risk by ensuring that the response vessels of first responder agencies, with marine jurisdiction remains capable and efficient. Enhancement and expansion of first responder agencies' response vessels will also mitigate the risks posed should an incident occur, such as life, safety, economic loss, and environmental damage."

## II. Strategic and Program Priorities

### II.A. Provide a brief abstract of the Investment

#### Response

**Narrative:** This proposal is to fund three vessels capable of supporting the current resources on the Columbia River as well as provide much needed assets with quick response capability. In 2009 the AMSC approved funding to create the *Columbia-Willamette-Snake River System Risk Management and Resiliency Planning Project (September 2009)* also known as "The Plan". In 2011 the AMSC commissioned a second project, the *Columbia River Scoping Project Technical Report (November 2011)* to determine gaps in the Columbia River port area. The Technical report addressed nine (9) objectives identified in "The Plan" and made recommendations to start closing those gaps. This proposal places assets to support the MDA by providing quick response and aid in keeping the shipping channel open. This proposal takes steps to place assets at identified vulnerable locations along the river with jurisdictions that have capabilities to respond to incidents, staff the vessels and provide for long term maintenance of these assets. These resources would fall under current response agreements of MFSA and be subject to respond to member facilities as outlined in the agreement. The Boats would be positioned at Vancouver Fire Department, Clark County Fire and Rescue and Astoria Fire Department. By specifying vessels that are capable to sustain themselves on an initial incident yet be part of a regional tiered response capability. With this proposal a majority of the Lower Columbia River would have access to a quick response vessel. These boats would be able to respond with varying capability to support and sustain each other, ships, ports, cities along the river and vital infrastructures that connect the states of Oregon and Washington. The vessels will be up to current safety and response standards for conducting year-round Homeland Security maritime patrols, enforcement of established USCG safety and security zones and for providing swift response to vessels that present a threat of delivering IEDs against the areas critical infrastructure and provide a resource to aid in the ports recovery after an incident. With the capability of extreme maneuverability and achieving adequate speeds to address potential emergencies as well as having the latest technology to see through the nighttime would provide the responders with a new capability to address many potential incidents. Having these capabilities would also enhance an all hazards response to natural disasters, manmade incidents and hazardous materials incidents and spills.

#### **Proposed Mitigation:**

To purchase (1) type IV Response Vessel. This watercraft would be fully equipped to meet NFPA standards and equipped and capable of year-round use, having appropriate equipment, a cabin area with heat and air conditioning, aluminum hull configuration, and enhanced state of the art electronics to include: radar, GPS, thermal, night vision camera capabilities, underwater scanning, and air monitoring capability. This vessel would have response capability from the Portland Vancouver area down river to the mouth of the Columbia River.

To purchase (2) type V Response Vessels that could be utilized for maritime security patrol functions and response to maritime incidents. The vessel would include an electronics package and have the capability of operating in shallow water, thus having the ability to address a small craft threat and would be trailerable for support on the upper Columbia River. This proposal addresses some first steps toward closing identified gaps in the Columbia Snake River Scoping Project. These assets are identified as part of "Option A" of the scoping project and represent a portion of the equipment and planning identified to complete the project in the future. This investment is part of a continuing project that will be addressed in future grant requests in an effort to continue to close identified gaps.

**II.B. Describe how the Investment will address one or more of the PSGP priorities and Area Maritime Security Plan or COTP Priorities (how it corresponds with PRMP for Group I and II)**

**Response**

**Enhancement of Maritime Domain Awareness:** This Investment reflects a strategic goal to integrate a layered approach throughout the Region which will enhance a well-coordinated response to maritime threats and any all-hazard response.

**Enhance Regional Planning and Coordination;** Placing these assets requires local responders that receive them to develop coordinated response plans to support a tiered all hazards capability and integrate existing assets into a regional plan that supports the MTS.

**Enhancement of prevention, protection, response and recovery capabilities:** *The Columbia River Scoping Project Technical Report (November 2011)* concluded the following as primary risk to the MTS and that a tiered response capability with waterside supported assets will have an impact on these areas.

1. Marine accidents and natural hazards present the greatest level of risk to the core infrastructure, followed by terrorism.
2. The types of hazards most likely to impact the MTS are those that would have significant economic consequences. (USACE 2009b)
3. Risk assessments concluded that the potential blockage of the navigation channel on the Lower MTS and the locks on the Upper MTS present the areas of greatest concern within the core infrastructure. The cascading economic consequences of a loss of functionality of the core MTS would have a significant impact on the overall system.
4. The threat planning scenarios from prior studies identify the potential consequences and the fire service related capabilities required to mitigate the consequences. These threat planning scenarios could result in a temporary or long-term blockage of the navigation channel/lock or other significant impact if not mitigated in a timely and effective manner. Funding quick response vessels for the port area will have an impact and affect on each area listed above.

**Enhancement of Improvised Explosive Device (IED) and Chemical, Biological, Radiological,, Nuclear, Explosive (CBRNE) Prevention, Protection Response and Supporting Recovery Capabilities:** The following fire service waterside capabilities are needed to effectively prevent or mitigate the consequences of the identified threat planning scenarios:

Marine firefighting capabilities are limited and most often rely on one agency to provide this capability throughout the MTS.

Search and rescue capabilities are limited to a few agencies that have adequate vessels and equipment that can be underway within minutes.

WMD/HazMat response capabilities are limited. The resources and personnel to support this capability on the water are available if appropriate vessels were in place to respond to these events.

MDA/security related capabilities are primarily supported with vessels of opportunity. There is a limited availability of resources to support a regular, coordinated capability to MDA.

MTS recovery related capabilities have very limited resources to support and aid MTS recovery within the first few hours to first few days

**Enhancement of Regional MTS Resilience and Recovery Capabilities:**

By providing the Lower Columbia responders with response vessels that have enhanced capabilities, the consortium of responders will be better prepared to prevent, detect, respond and recover from a terrorist act or all hazards event that occurs throughout the area. This Investment is consistent with efforts directed towards a "Best Practices" approach to enhancing first responder capabilities that are regionally located will benefit the Port area by creating a more prepared and efficient maritime response to prevent and respond to maritime incidents, thereby buying down risk posed by IEDs and other explosive devices." As well as environmental incidents, natural and man made and aiding local ports in recovery after an incident.

**Training and exercises:** Mitigation of risk to the port area will occur as a result of standardized training provided to local responder with maritime jurisdiction. With the philosophy that the local responders and MFSA (Maritime Fire Safety Association) employ standardization for training and equipment, this Investment will directly support the agency's efforts for regionalization of sufficient assets to address a maritime incident or threat. This Investment calls for the purchase of three response vessels that will incorporate the standardized training and use of these vessels. According to the Department of Homeland Security "Small Vessel Security Strategy" report dated April 2008, "Successful small vessel risk reduction will require close coordination and cooperation between federal agencies, state, local governments." This coordination and cooperation must be grounded in standardized training to allow for the enhanced joint prevention and response efforts directed towards maritime threats. These assets will also integrate into current capabilities and enhance a tiered response and support function.

**III. Impact**

**III.A. Describe how the project offers the highest risk reduction potential at the least cost.**

**Response**

**How this investment will reduce risk in a cost effective manner. (E.g., reduce vulnerabilities or mitigate the consequences of an event) by addressing the needs and priorities identified in earlier analysis and review:**

In preparing and planning for response on the Lower Columbia River a significant area below Vancouver to Astoria has been identified as having very limited response capability for river incidents. Each of the agencies identified that have or have had a marine response capability either have an inadequate vessel for response, have a vessel that is not designed to provide response in the environment identified, have significantly dangerous issues with structural integrity, are not adequate for moving of people or equipment or are located in an area that needs the resource to support current infrastructure, planning and response for the region. The area has significant need for response to the shipping channel, infrastructure, air travel and commerce in the area and current assets are stretched due to current and expected growth in

the area. Investing in this justification will provide quick emergency response within the 115 mile Lower Columbia and provide added assets for local authorities in the event of heightened levels of security as well as being able to provide support and response for environmental incidents and port recovery in the event of an incident in the shipping channel or at any of the ports on the Lower Columbia.

### **III.B. Describe current capabilities similar to this Investment**

#### **Response**

**Describe how many agencies within the port have existing equipment that are the same or have similar capacity as the proposed project.**

Marine response services historically have been, and continue to be provided by other agencies with, in some cases, differing missions. For instance, Multnomah County Sheriff's office provides services on the Columbia River in Portland. The Multnomah Sheriff's Office, responds to 911 and radio calls for aid. The majority of the responses involve distress issues and boater safety. The River Patrol has been responding to both shores of the Columbia River for many years. They have seen an increase in requests for service and acknowledge that river incidents are costly to the victims and are likely to cause serious injury or death. They admit that they respond to situations that tax their immediate resources. River Patrol members explained that they usually are first to arrive and if they don't assume fire and first aid rescue practices they'd wait an extended period of time for help to arrive. This help is usually the fireboat from the Portland Fire Bureau, moored at Station 17 on the south side of Hayden Island.

Portland Fire Boat 17 and Rescue Boat 17 are cross staffed with personnel from Engine 17, located on Hayden Island. Fire Boat 17's response time to portions of the Columbia River north of the island require the vessel to maneuver through a slough using a maximum wake speed designed not to harm other vessels at moorage. This speed constraint has the effect of drastically slowing response to the Vancouver side of the Columbia River when traveling at maximum allowable speed in the slough Fire Boat 17 has a 30 minute response to the main channel of the river. Rescue Boat 17 is moored on the river side of Hayden Island and does allow for a slightly quicker response into the river. Rescue Boat 17 is just that, a rescue boat, and has no firefighting capabilities. Station-17 has the ability to respond with only one of the 3 apparatus assigned to that station at a time.

The Clark County Sheriff's Office has a boat moored within the property of the Port of Vancouver. It is staffed, as needed by employees of the Sheriff's Office whose responsibilities also include waterborne patrol of all county navigable waters. The vessel's mission is limited primarily to boater assistance, law enforcement and routine patrol. They do not possess emergency medical response nor firefighting capabilities.

The Port of Portland operates an emergency response vessel in conjunction with the operation of the Portland International Airport. The vessel's mission is to provide emergency rescue services for victims of aircraft accidents on the Columbia River. The Port of Portland vessel will help other agencies perform rescues not associated with airport operations when they do not conflict with their obligation to be on "standby" for the operation of the airport.

The Vancouver Fire Department operates a small rescue boat, RB1. The vessel is cross staffed primarily by an engine or truck company. RB1 is currently moored at Vancouver Landing on the east end of the Port of Vancouver. This boat is a 17 ft AMBAR surplus boat purchased from the US Coast Guard. The vessel is in service as a limited capacity rescue boat which can haul three crew members or two crew and one victim. It has no firefighting capability. This boat would be replaced in this proposal.

Clark County Fire and Rescue has a surplus Sheriff's boat. This boat is moored in the area of the Port of Ridgefield and is capable of rescue response only. The boat has been in service with the Clark County Sheriff's office for 20 years. It has no permanent fire fighting capability and limited ability to treat or transport patients. This vessel is located about 15 miles down river from Vancouver. This is an old patrol boat and has no capability to support port recovery. This boat would also be replaced with this proposal.

Astoria Fire Department has a surplus vessel purchased from the City of Portland. This vessel is currently out of the water with severe corrosion to the hull and propulsion system it is un-sea-worthy and too costly to repair. This vessel is located 90 miles down river from Vancouver. This boat would also be replaced with this proposal.

The Portland UASI encompasses much of the area affected by this proposal and the City of Vancouver is a recipient of assets to support response within the Portland UASI. The UASI region supports regional response and asset sharing to meet the National Preparedness Guidelines to provide an all-hazards vision regarding the Nations preparedness objectives.

The region is also served by Washington DHS Region 4 which includes the four county area of southwest Washington. Washington Region 4 also supports regional response and asset sharing to meet the National Preparedness Guidelines to provide an all-hazards vision regarding the Nations preparedness objectives

The City of Vancouver has also entered into an agreement with DHSP Region 4 to be the regional response agency for USAR, Flood Water and Technical Rescue. Vancouver Fire is also the regional response agency for Hazardous Materials CBRNE response.

**IV. Funding & Implementation Plan**

- Complete the IV.A. to identify the amount of funding you are requesting for this investment only
- Funds should be requested by allowable cost categories as identified below
- Applicants must make funding requests that are reasonable and justified by direct linkages to activities outlined in this particular Investment

IV.A. Investment Funding Plan	FY 2009 PSGP Request Total	Match (Cash or In-Kind)	Grand Total
<i>Maritime Domain Awareness</i>			
<i>IED and WMD Prevention, Protection, Response and Recovery Capabilities</i>	2,585,000.00	0.00	2,585,000.00
<i>Training</i>	70,082.00	0.00	70,082.00
<i>Exercises</i>			
<i>TWIC Implementation</i>			
<i>Operational Packages (OPacks)</i>			
<i>M&amp;A</i>	10,240.00	0.00	10,240.00
<b>Total</b>	<b>\$2,665,322.00</b>	<b>\$0.00</b>	<b>\$2,665,322.00</b>

**IV.B. Provide a high-level timeline, milestones and dates, for the implementation of this Investment such as stakeholder engagement, planning, major acquisitions or purchases, training, exercises, and process/policy updates. Up to 10 milestones may be provided.**

<b>Response</b>	<p><b>The major milestones that are critical to the success of the Investment include:</b> This Investment will only have 5 major milestones.</p> <ol style="list-style-type: none"> <li>1. Notification of award</li> <li>2. Develop Purchase Order and deliver to vendor</li> <li>3. Delivery of the response/patrol craft</li> <li>4. Train personnel and put into service</li> <li>5. Dates of milestones are depended on award date and length of manufacture of vessels.</li> </ol>
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