File #: 94202, **Version:** 1

Fiscal Note

The proposed resolution authorizes a contract with the State of Wisconsin, Department of Military Affairs, Division of Emergency Management for the Madison Fire Department to be a Participating Agency in a statewide urban search and rescue team through from July 2026 through June 2028. The Wisconsin Department of Military Affairs, Division of Emergency Management will reimburse the Madison Fire Department (MFD) for costs related to providing requested services and required training and exercise costs. Any additional costs not reimbursable by the state will be covered by MFD's 2026 Adopted Operating Budget. No additional appropriation is required.

Title

Authorizing a contract between the State of Wisconsin, Department of Military Affairs, Division of Emergency Management and the City of Madison for the City of Madison Fire Department to be a Participating Agency in a statewide urban search and rescue team.

Body

WHEREAS, to protect life and property against the dangers of emergencies, the Wisconsin Department of Military Affairs, Division of Emergency Management has, pursuant to Wis. Stat. § 323.72(1), established an urban search and rescue (US&R) team that can be deployed to provide Services in response to Emergencies;

WHEREAS, the Division of Emergency Management desires to enter into this Agreement with the City of Madison Fire Department (MFD) for the purpose of having MFD supply qualified employees to serve on such a team and MFD desires to provide such employees;

WHEREAS, the City of Madison Fire Department (MFD) will assign three (3) employees currently serving on MFD's heavy urban rescue team (HURT) to participate in the statewide all-hazards US&R team (WI-TF1);

WHEREAS, the three MFD employees assigned to WI-TF1 will receive regular US&R training and certification from the Wisconsin Department of Military Affairs, Division of Emergency Management at the state's Regional Emergency All-Climate Training Center (REACT Center) and will be available for emergency response requested by the Division of Emergency Management pursuant to Standard Operating Procedures;

WHEREAS, MFD's participation in WI-TF1 provides an opportunity for current MFD personnel to receive industry-leading training in US&R response and, in turn, bringing additional knowledge and skillsets back to MFD for integration into MFD's HURT team;

WHEREAS, the Wisconsin Department of Military Affairs, Division of Emergency Management will reimburse MFD for (1) costs related to providing requested Services, (2) required training and exercise costs, and (3) costs related to an increase in duty-disability benefit premiums due to an injury a WI-TF1 member sustained while performing under this Agreement;

WHEREAS, reimbursement for costs associated with a requested response include but are not limited to the use of vehicles and apparatus, personnel expenses, and emergency expenses;

WHEREAS, in any given State fiscal year, MFD shall be paid for any training and participation in exercises of employees who the Division of Emergency Management has appointed to WI-TF1 that is pre-authorized in

writing by the Division at a rate of $60 per hour per appointed employee consistent with the Attendance Policy;

WHEREAS, the Wisconsin Department of Military Affairs, Division of Emergency Management shall reimburse MFD for costs incurred by MFD for any increase in contributions for duty disability premiums under Wis. Stat. § 40.05(2)(aw) for its employees who are WI-TF1 members and who receive duty disability benefits under Wis. Stat. § 40.65 because of an injury that occurred while performing duties as a member of WI-TF1;

WHEREAS, contract language related to indemnification and insurance provisions does not comply with the City's standard policy for contracts but is the same as contained in the current contract between the City of Madison and the Wisconsin Department of Military Affairs, Division of Emergency Management for MFD's participation in the Southwest Wisconsin Hazardous Materials Taskforce;

WHEREAS, contract language related to indemnification and insurance provisions has been reviewed and approved by City Risk Management and the City Attorney's Office;

WHEREAS, the contract term is July 1, 2026 through June 30, 2028;

WHEREAS, MFD may terminate the contract at any time upon one hundred twenty (120) days written notice to the other party;

NOW, THEREFORE, BE IT RESOLVED that the City of Madison approves the contract between the State of Wisconsin, Department of Military Affairs, Division of Emergency Management and the City of Madison for the Madison Fire Department to be a Participating Agency in a statewide urban search and rescue team through June 30, 2028;

BE IT FURTHER RESOLVED that the City of Madison approves the following contract language from the State of Wisconsin on indemnification:

16.3 Participating Agency Indemnification of State:

> Nothing contained in this Agreement is intended to limit any immunities and rights of any party available under Wis. Stat. §§ 345.05, 893.80, 893.82 and 895.46 or any other constitutional or statutory provision or common law. Such immunities and rights are expressly reserved to the parties.

BE IT FURTHER RESOLVED that the Madison Fire Department will include the annual program budget for participation in the statewide urban search and rescue team in the city's annual operating budget;

BE IT FINALLY RESOLVED that the Mayor and City Clerk are authorized to execute the necessary contract documents.