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February 4, 2008

Hon. Joseph F. Bruno
Commissioner
Office of Emergency Management
11 Water Street
Brooklyn, NY 11201

Fax and Mail

Dear Commissioner Bruno:

I am writing to you on behalf of Community Emergency Response Teams (CERT) in Queens and throughout the City.

A number of disturbing facts have come to my attention regarding the lack of support CERT teams receive from the City. I understand that once CERT members are trained by the Office of Emergency Management (OEM), they are virtually left on their own as self-sustaining groups even though they are supposed to be under the supervision/direction of OEM.

In order for these volunteers, who have stepped forward to help their neighbors in times of emergencies, to fully realize the goals of this program the following issues must be addressed:

- **Funding-** Since CERT Teams are given no direct budget, the teams must develop their own fundraising sources. Why? This obviously leads to significant financial disparities between CERT Teams and thereby affects their ability to respond in an emergency.

Solution: The City must step forward to fund these groups to ensure they have the necessary equipment to respond and effectively interact with other CERT Teams.

- **Liability/Insurance-** CERT members have no liability/insurance coverage from the City and therefore can be held personally responsible.

Solution: Since the City trains and provides oversight, the City should assume the liability for the CERT Teams.

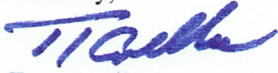
- **Not-for-Profit Status-** Why are CERT Teams being advised to become 501 (c) (3) organizations? If each CERT Team is part of the city-wide emergency response, individual teams should not have to apply for tax-exempt status.

Solution: CERT Teams are allowed tax-exempt status under the auspices of the City.

I would appreciate your reviewing these matters as soon as possible. CERT Teams can be a wonderful resource for the City in time of need; but only if they have the proper help. The City must provide that assistance.

Please let me know how we can work together to address these important issues.

Sincerely,



Tony Avella
Council Member
District 19 – Northeast Queens

TA: xsm



NEW YORK CITY OFFICE OF EMERGENCY MANAGEMENT
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718 422 4616 FAX 718-422-8453

JOSEPH F. BRUNO
COMMISSIONER

February 19, 2008

Councilman Tony Avella
Council Member – 19th District
38-50 Bell Boulevard – Suite C
Bayside, New York 11361

Dear Councilman Avella.

Thank you for your recent letter regarding the Community Emergency Response Team (CERT) program. I understand that you held a recent meeting for the Queens CERT teams to discuss the status of the program.

Please allow me to address your concerns:

The CERT program is very important to OEM and receives much attention within the agency. The program is overseen by a program manager who currently has a staff of five and is supported by a CERT Board, of which I am a member. Staff from various OEM units, including Training and Exercises, Response, Human Services, Community Outreach and Public/Private, among others, lend their time and expertise to the program and its teams to ensure that we provide our CERT teams with the most resources and guidance possible. In addition, we have built a strong team of partner agencies, including the FDNY-EMS, NYPD, DOHMH, American Red Cross, Salvation Army and others, which assist with training, exercises and response activities.

Over the past six months, OEM and its partners have completely rewritten the NYC CERT curriculum to make it more representative of what CERT teams will actually be called upon to do. We have also streamlined deployment procedures, developed a hands-on exercise that is conducted at Randall's Island and instituted a back-fill training program to give existing teams the opportunity to recruit and train new members.


As with any City program, funding for CERT is limited. In addition to receiving UASI funding to support the CERT program, we have also instituted a corporate CERT program that allows us to increase our funding for community teams. In addition, many of your colleagues have directed funding earmarked to CERT to OEM's budget. With these member items, we have been able to increase training, purchase equipment and supplies and other materials for teams across the City. I would encourage you to join your colleagues in earmarking funds for the CERT program. It would be helpful in meeting some of your concerns.

NYC's General Municipal Law Section 50-k provides indemnification to volunteers from lawsuits that is based on a volunteer acting within the scope of his/her responsibilities and acting at the express authorization of the City. For example, if a CERT team member, acting at the direction of the City and performing a CERT function was to be sued for negligence, the City would provide a defense to the lawsuit on behalf of the CERT volunteer. If a judgment was obtained against the volunteer, the City would indemnify the CERT volunteer to the extent of the judgment. The CERT teams are apprised of this fact, and OEM's Counsel has attended several team chief meetings to discuss the City's liability protection.

As I indicated above, OEM is very aggressive in its fundraising efforts around CERT. However, some teams have expressed a desire to perform their own, independent fundraising to supplement their activities. As each team represents a different community, they each have different approaches to fundraising. Some teams have had funding put directly in OEM's budget, and we administered that funding on behalf of the team. Other teams prefer to work through existing 501(c)(3) organizations or create their own. One of the hallmarks of the CERT program is that each team functions as its own entity with guidance from OEM programmatic staff. This has worked well for all involved. Whenever teams have questions about fundraising in any CERT related matter, the OEM staff is happy to answer them as best possible.

I hope this information is helpful. Thanks again for your interest in the CERT program. I would encourage you to join your colleagues in earmarking funds for the CERT program. It would be helpful in meeting some of your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Bruno", written over a large, loopy scribble.

Joseph F. Bruno

JFB/cf