

**Interlocal Agreement between the
City of Freeport and the
Brazoria County Health Department
For Mass Immunizations**

This Interlocal Agreement ("Agreement") is entered into between the City of Freeport (City) and Brazoria County for services provided by/through the Brazoria County Health Department (Department). The Department is a Local Health Department under Chapter 121 of the Health and Safety Code. The Interlocal Cooperation Act, Government Code Chapter 791, governs this Agreement. *This agreement has been approved by a separate order of the Brazoria County Commissioners Court Being Order No. _____, dated _____, 2024 and of the City of Freeport dated _____, 03 SEP, 2024.*

I. Purpose

Under a grant from the Texas Department of Health, the Department is required to plan and prepare for a public health emergency which may result from natural or man-made causes. During such an emergency, it may be necessary for the Department to immunize or to mobilize others to immunize or treat large numbers of people in the Brazoria County area. Subject to the City providing facilities that are qualified to serve as a Staff Medication Center, the Department will offer to provide medications for such immunizations or treatments to the City's First Responders, both employees and volunteers, prior to the general public. The City will provide the Department with the number of immunizations or treatments needed for First Responders, critical staff, and their families annually.

If agreed upon by the City and the Department, the City will make its law enforcement facilities or other facilities available for the First Responder immunization or treatment. The City and the Department agree that this use of the facilities is a "governmental function" as defined in the Interlocal Agreement Act, Texas Government Code §791.003.

II. Term

This agreement becomes effective when approved by the governing body of the City and Department. It may be canceled by either party by giving thirty days' notice to the other party, otherwise it remains in effect for five years and may be renewed by mutual agreement.

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III. Public Health Emergency

This agreement will go into effect only if:

- 1) The Commissioner of the Texas Department of State Health Services or the County's local health authority declares that large scale immunization or treatment is necessary as a control measure for an outbreak of a communicable disease;
- 2) The parties agree to the location of the facility or facilities to be used pursuant to this Agreement; and
- 3) The Department has the necessary stock pile of medications.

IV. Obligations of the Department

- 1) The Department will supply or arrange for all vaccines, medicine and supplies needed to administer such medication at the agreed upon City facilities. The Department will provide City with the collection location.
- 2) The Department will be responsible for disposal of medical waste and disinfection of the dispensing area at the facility. Upon completion of use of the facility, the Department will use industry accepted methods to sanitize/disinfect the area within the facility used for the administration of medication during the health emergency.
- 3) Without waiving any immunities, defenses, or protections provided by law, the County is responsible for the negligence of its employees or volunteers acting in the course and scope of employment/service; however, pursuant to section 421.062 of the Texas Government Code the Department/County is not responsible for any civil liability that arises from the furnishing of a service under this Interlocal contract.

V. Obligations of the City

- 1) The City will be responsible for dispensing medications to First Responders and staff.
- 2) The City will be responsible for maintaining the medication in a secure location and will store the medication in accordance with the Department's instructions so that the medication maintains its fitness for use.
- 3) If the City is selected as a distribution site by Department, the City will allow the use of all rooms, fixtures, and equipment that are necessary during the period of the emergency.

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- 4) If the City is selected as a distribution site by Department, the City will provide at least one person on-site during the period of emergency that has access to the rooms, fixtures and equipment being used during the emergency.
- 5) If the City is selected as a mass distribution site by Department, the City will supply or arrange for all equipment and personnel necessary for staffing, security, crowd control and other tasks.
- 6) Without waiving any immunities, defenses, or protections provided by law, the City is responsible for the negligence of its employees or volunteers acting in the course and scope of employment/service; however, pursuant to section 421.062 of the Texas Government Code the City is not responsible for any civil liability that arises from the furnishing of a service under this Interlocal contract
- 7) The City will return all undistributed medication to the Department.

VI. Point Of Distribution Trailer

- 1) The City has been issued one 6'X12' single axel cargo POD-trailer. The City will only use the POD-trailer during emergencies and for training. The City will be responsible for keeping the POD-trailer and the inventory shown on DA-form 2062 in a secure location.
- 2) The trailer and its inventory are the property of the Department and the City shall have no right, title, or legal interest in them except as has been described in this Interlocal Agreement.
- 3) The Department will conduct periodic inventories of the POD-trailer and its contents.
- 4) The City shall keep the Department informed as to the location of the POD-trailer.
- 5) The City shall inform the Department of any damage to the POD-trailer. If the damage is minor, such as, by way of example and not limitation, a flat tire or a burnt out bulb, the City shall repair the POD-trailer. The Department is responsible for all other maintenance and upkeep unless the damage was caused by the City's negligence. The City will be responsible for repairs caused by the City's negligence.

Execution Page Follows

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Jerry Cain
Mayor, City of Freeport

9-3-2024

Date

L.M. "Matt" Sebesta, Jr.
County Judge

Date

Cathy Sbrusch, RN,BSN,CIC
Director of Public Health Services
Brazoria County Health Department

Date