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- Memorandum of Understanding
- Emergency Assistance Compact



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# BEST PRACTICE

## Mutual Aid Agreements: Types of Agreements

### PURPOSE

This Best Practice presents an overview of the various types of mutual aid agreements and their respective purposes (or functions).

### SUMMARY

Mutual aid agreements codify an understanding among two or more entities to provide support in a given context. Parties to agreements can include two, three, or several response agencies, private organizations, hospitals, public utilities, governments, and virtually any type of organization that can bring resources to bear during an emergency. The needs of jurisdictions and organizations will vary greatly; therefore, the set of agreements each concludes will differ as well. But at each tier of mutual aid, jurisdictions should seek out strong, written mutual aid agreements to support response efforts in an emergency.

### DESCRIPTION

#### *Purpose of Agreements*

Regardless of the specifics sought in a mutual aid agreement, according to the Federal Emergency Management Agency (FEMA), the core reasons for drafting and concluding one are to:

- **Coordinate planning.** Agreements should facilitate and complement local and regional joint planning for large-scale incidents that will have far-reaching consequences.
- **Multiply the response resources available to any one jurisdiction.** The basic function of an agreement is to bring additional resources to bear when they are needed.
- **Ensure timely arrival of aid.** The quicker the response, the more lives that could be saved. Agreements should streamline red tape and other procedural impediments so that resources are requested quickly and arrive in a timely manner.
- **Arrange for specialized resources.** Chemical, biological, radiological, nuclear, and explosives (CBRNE) terrorism will demand unique and often scarce resources. Mutual aid agreements should seek to ensure the timely arrival of vital equipment and personnel.
- **Minimize administrative conflict and litigation post-response.** Liability, reimbursement, and other administrative matters should be addressed in a mutual aid agreement.

### **Functional Areas of Agreements**

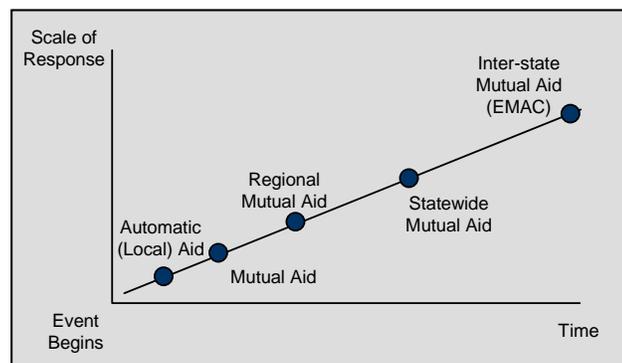
Because of the wide variety of organizations and resources involved in emergency responses, mutual aid agreements can serve a variety of functions. A needs assessment can help jurisdictions to determine potential resource shortfalls across the full range of functional areas. Mutual aid agreements can cost-effectively address these shortfalls by utilizing resources from other jurisdictions and departments.

The following are some of the functional areas that agreements can cover:

- Animals/Veterinary Services
- Administrative Support
- Continuity of Service
- Colleges and Universities
- Coroner/Mortuary Services
- Critical Incident Stress Management
- Building Inspectors and Architects
- Damage Assessment
- Decontamination
- Emergency Managers
- Emergency Medical Services
- Evacuation
- Financial
- Fire-Fighting
- Hazardous Materials
- Law Enforcement
- Logistical Support
- Mass Care Shelters
- Military Support
- Medical Support
- Private Sector Support
- Public Information Officers
- Public Works
- Radio Communications Support
- Schools
- Transportation/Buses
- Traffic and Access Control
- Search and Rescue

### **Tiers of Mutual Aid Graph of Response**

At each phase of the response, from the first arriving units until the end of the recovery phase, different types of mutual aid agreements can serve the Incident Commander (IC). With strong agreements at each level, lags or gaps in response can be avoided and operations can be as effective as possible. The following is a description of each level of mutual aid:



- **Automatic Aid Agreements.** Units from neighboring jurisdictions are automatically dispatched to the scene as part of automatic aid agreements. These “interlocal” agreements are usually basic contracts or sometimes informal accords. The threshold for response is described in detail within the agreement.
- **Mutual Aid.** Mutual aid agreements are between neighboring jurisdictions and involve a formal request for assistance. Mutual aid is activated less often than automatic aid but covers a larger geographic area.

- **Regional Mutual Aid.** Units from a regional mutual aid agreement can assist local units that have been on scene for an extended period of time. Regional mutual aid agreements exist between multiple jurisdictions and are often sponsored by a council of governments (COG) or similar regional body.

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Regional councils of governments in Texas have developed regional mutual aid agreements based on templates provided by the Texas Attorney General's Office. The Alamo Area Council of Governments, for example, operates a regional mutual aid agreement where jurisdictions join simply by passing an authorizing resolution.

- **Statewide Mutual Aid.** Statewide assistance significantly increases the number of on-scene units. These agreements, often coordinated by the state emergency management agency, incorporate both state assets and local assets in an attempt to increase preparedness statewide.

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California has a time-tested statewide mutual aid agreement that mandates joint operational planning. The California Master Mutual Aid Agreement ([http://www.oes.ca.gov/oeshomep.nsf/all/CAMasterMutAid/\\$file/CaMasterMutAid.pdf](http://www.oes.ca.gov/oeshomep.nsf/all/CAMasterMutAid/$file/CaMasterMutAid.pdf)) is an opt-in contract that connects planning, incident management, and mutual aid into one overarching system.

The National Emergency Management Association (NEMA) reports that only ten to 20 states have developed comprehensive statewide mutual aid systems. Many states have less developed systems or systems that address only a portion of response such as fire or law enforcement. The best way to determine whether or not your state has an agreement is to contact the state emergency management agency, or EMA. NEMA and the Department of Homeland Security (<http://www.dhs.gov>) have produced a model intra-state mutual aid agreement. For more information, see the NEMA website (<http://www.nemaweb.org>).

- **Inter-State Agreements.** Out of state assistance through the Emergency Management Assistance Compact (EMAC) supports the response effort towards the end of the first day and onward into the recovery phase. For more information, see the EMAC website (<http://www.emacweb.org>).

### Exceptions

It is often the case that agreements will not fit neatly into one of the categories listed above. Hybrid agreements that include elements of different agreement types are common with jurisdictions near state lines or response agencies in rural and frontier areas. Mutual aid agreements are also possible with businesses, chambers of commerce, non-profit organizations, and military installations.

## Agreement Formats

When determining proper agreement format, it is important to work with legal experts and the state EMA to determine what is legally appropriate. Some examples of agreement formats are included below for information purposes:

- **Authorizing Resolution.** An authorizing resolution represents a jurisdiction's commitment to abide by specific regulations outlined in a piece of legislation. The resolution usually describes important legal concepts and authorizes certain individuals to dispatch or receive mutual aid under certain specified conditions.

The details surrounding specific requests for mutual aid are determined at the time of the emergency. FEMA requirements demand that accurate accounting take place for both the request and receipt of mutual aid if federal reimbursement is desired. Some mutual aid systems require even more detailed records, often individual event agreements that spell out equipment, cost, and other important event-specific details.

- **Mutual Aid Contracts or "Agreements."** Mutual aid agreements are the most common format for agreements. These are legally binding contracts where each party has equal responsibility to all other parties. Contracts require that each participating organization or jurisdiction authorize the document with the signatures of appropriate elected and response officials.

Interlocal agreements, most often called automatic aid agreements, are important types of mutual aid contracts. These contracts formalize an arrangement between neighboring agencies where response is automatic based on geography or other factors. Most fire departments and law enforcement agencies have these agreements in place to moderate jurisdictional questions and enhance day-to-day operations.

- **Memoranda of Understanding (MOU).** MOU are agreements that define areas of understanding between two parties. They outline each party's

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Many states and regional governments will authorize mutual aid through legislation, sometimes requiring a separate "event agreement" to spell out the details of each exchange. At the local level, memoranda of understanding or simple contracts are more common because specifics can reasonably be dealt with in a single agreement.

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### Opt-out Versus Opt-in

A state or county wishing to create a mutual aid system has the power to mandate participation by way of legislation. An "opt-out" clause would state that all jurisdictions are party to the agreement and must opt out if they do not wish to participate. Opt-out agreements, when possible, are very effective ways of strengthening mutual aid participation.

On the other hand, legislation can be "opt-in", where each jurisdiction wishing to participate must individually pass the legislation, thereby agreeing to abide by the rules of the agreement.

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The Ohio Intrastate Mutual Aid Compact ([http://www.legislature.state.oh.us/bills.cfm?ID=124\\_HB\\_605](http://www.legislature.state.oh.us/bills.cfm?ID=124_HB_605)) automatically incorporates all counties into the agreement, immediately requiring them to adopt the common response protocols.

planned course of action, although actions taken by either party are not contingent on any action taken by the other. In some states, MOU are legally binding and can serve as valid contracts.

MOU will often supplement a formal mutual aid agreement to signify mutual understanding in certain auxiliary areas. For example, an MOU might be signed between parties to a mutual aid agreement on using common terms for equipment during a joint response.

For more information, see the following references and resources:

- Chemical Stockpile Preparedness Program's Memorandum of Agreement and Memorandum of Understanding (MOA/MOU) Guide:  
<http://csepp.apgea.army.mil/biblio>
- The National Emergency Managers Association: <http://www.nemaweb.org>
- The Emergency Management Assistance Compact:  
<http://www.emacweb.org>
- The California Office of Emergency Services: <http://www.oes.ca.gov>
- The Federal Emergency Management Agency's Managing the Emergency Consequences of Terrorist Incidents:  
<http://www.fema.gov/pdf/onp/managingemerconseq.pdf>
- Texas Regional Councils' Mutual Aid Templates:  
<http://www.txregionalcouncil.org/ep/resources.htm>
- Ohio Intrastate Mutual Aid Agreement:  
[http://www.legislature.state.oh.us/BillText124/124\\_SB\\_307\\_I\\_Y.pdf](http://www.legislature.state.oh.us/BillText124/124_SB_307_I_Y.pdf)

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