

## ANNEX G

### Intrastate Mutual Aid

#### A. GENERAL PROVISIONS

1. Delaware County will utilize the New York State Intrastate Mutual Aid System as authorized by NYS Executive Law Article 2-B, Section 29-h, and any implementing procedures promulgated by the NYS Disaster Preparedness Commission's Intrastate Mutual Aid Program Committee
2. This procedure utilizes the following definitions as outlined in Article 2-B:
  - Employee - means any person holding a position by election, appointment, or employment by a local government;
  - Local government - means any county, city, town or village of the state;
  - Local emergency management director - means the local government official responsible for emergency preparedness, response and recovery;"
  - Requesting local government - means the local government that asks another local government for assistance during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise;
  - Assisting local government - means one or more local governments that provide assistance pursuant to a request for assistance from a requesting local government during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise; and
  - Disaster - as defined in section twenty of Executive Law Article 2-B.
3. Towns and villages in Delaware County may elect not to participate in the intrastate mutual aid program, or to withdraw from the program, by its governing body enacting a resolution declaring that it elects not to participate in the program and providing such resolution to the division of homeland security and emergency services. Participation in the program will continue until a copy of such resolution is received and confirmed by the division of homeland security and emergency services.
4. A town or village that has previously declined to participate in the program may, acting by resolution through its governing body and providing a copy of the resolution to the Division of Homeland Security and Emergency Services, elect to participate in the program.
5. The county, and towns and villages within Delaware County may enter into mutual aid agreements with other local governments or other entities with terms that supplement or differ from the provisions of the provisions of the Intrastate Mutual Aid law.

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6. All other agreements to which Delaware County, or its towns and villages is a party remain in effect including the State Fire Mobilization and Mutual Aid Plan.
7. All fire related resources shall be administered pursuant to section two hundred nine-e of the general municipal law.

### B. REQUESTING ASSISTANCE THROUGH THE INTRASTATE MUTUAL AID PROGRAM

1. A participating local government may request assistance of other participating local governments in preventing, mitigating, responding to and recovering from disasters that result in locally-declared emergencies, or for the purpose of conducting multi-jurisdictional or regional training, drills or exercises.
2. Requests for assistance may be made verbally or in writing; verbal requests shall be memorialized in writing as soon thereafter as is practicable.
3. Notwithstanding the provisions of section twenty-five of this article, the local emergency management director shall have the authority to request and accept assistance and deploy the local resources of his or her jurisdiction under the intra-state mutual aid program.
4. Once an emergency is declared at the county level, all requests and offers for assistance, to the extent practical, shall be made through the county emergency management office.
5. All requests for assistance should include:
  - a description of the disaster;
  - a description of the assistance needed;
  - a description of the mission for which assistance is requested;
  - an estimate of the length of time the assistance will be needed;
  - the specific place and time for staging of the assistance and a point of contact at that location; and
  - any other information that will enable an assisting local government to respond appropriately to the request.
6. Assisting local governments shall submit to the requesting local government an inventory of the resources being deployed.
7. The written request for assistance and all inventories of resources being deployed shall be submitted to the Division of Homeland Security and Emergency Services within three calendar days of the request for or deployment of such resources

### C. REIMBURSEMENT OF ASSISTING JURISDICTIONS

1. Any assisting local government requesting reimbursement under this program for loss, damage or expenses incurred in connection with the provision of assistance that seeks reimbursement by the requesting local government shall make such request in accordance with procedures developed by the intrastate mutual aid committee.
2. The requesting local government requesting assistance under this program shall be liable and responsible to the assisting local government for any loss or damage to equipment or supplies and shall bear and pay the expense incurred in the operation and maintenance of any equipment and the cost of materials and supplies used in rendering assistance under this section.
3. The assisting local government shall be liable for salaries or other compensation for its employees deployed to a requesting local government during the time they are not rendering assistance pursuant to such request, and shall defray the actual traveling and maintenance expense of its employees and equipment while they are rendering assistance under this section. The requesting local government shall reimburse the assisting local government for any moneys paid for such salaries or other compensation and traveling and maintenance expenses incurred from activities performed while rendering assistance under this program.
4. Any voluntary ambulance service rendered pursuant to a request for assistance under this program that affects a volunteer ambulance workers service award or supplemental service award from a service award program or a supplemental service award program established pursuant to article eleven-aa, article eleven-aaa, or article eleven-aaaa of the general municipal law shall be the responsibility of the political subdivision which adopted the service award program or supplemental service award program and not the responsibility of the requesting local government.
5. Where a dispute arises between an assisting local government and a requesting local government regarding reimbursement for loss, damages or expenses incurred in connection with the provision of aid, the parties will make every effort to resolve the dispute within thirty business days of written notice of the dispute by the party asserting noncompliance.

### D. PERFORMANCE OF SERVICES

1. Employees of an assisting local government shall continue under the administrative control of their home jurisdiction. However, in all other cases where not prohibited by general, special or local law, rule or regulation, employees of an assisting local government

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shall be under the direction and control of the local emergency management director or other official charged with performing emergency management functions for the requesting local government;

2. Performance by employees of an assisting local government of services for a requesting local government pursuant to this section shall have no impact upon whether negotiating unit employees represented by an employee organization, recognized or certified pursuant to section two hundred six or two hundred seven of the civil service law, exclusively perform such services, as that phrase is used by the public employment relations board, on behalf of the requesting local government;

3. Assets and equipment of an assisting local government shall continue under the ownership of the assisting local government, but shall be under the direction and control of the local emergency management director or other official charged with performing emergency management functions for the requesting local government.

### E. LIABILITY

1. Each local government is responsible for procuring and maintaining insurance or other coverage as it deems appropriate.

2. While rendering assistance under the intrastate mutual aid program, employees of the assisting local government shall have the same immunities and privileges as if such duties were performed within their home jurisdiction.

3. An assisting local government providing assistance pursuant to the intrastate mutual aid program shall be liable for the negligence of its employees, which occurs in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties in their home jurisdiction.

4. Employees of an assisting local government responding to or rendering assistance pursuant to a request for assistance who sustain injury or death in the course of, and arising out of, their response are entitled to all applicable benefits as if they were responding in their home jurisdiction. The assisting local government shall be liable for all costs or payments for such benefits as required by law.

5. Assisting and requesting local governments may agree to other terms related to liability and compensation. Local governments may choose to enter into an agreement, at any time, to alter these terms as they deem necessary.

6. This procedure will not apply to individuals who respond to a state of emergency where aid has not been requested, or where aid has not been authorized by the individual's

home jurisdiction.

## F. INSURANCE

1. Delaware County and local governments that request or provided mutual aid assistance should seek coverage of costs from their insurance as appropriate.

## G. LICENSE, CERTIFICATE AND PERMIT PORTABILITY

1. State certified emergency medical services providers who respond outside of their normal jurisdiction pursuant to a request for assistance under this program shall follow their normal operating protocols as if they were responding and rendering services in their home jurisdiction.

2. Any other individual authorized and deployed by a participating local government when responding pursuant to a request for assistance under this program shall have the same powers and duties as if they were responding in their home jurisdiction.

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