



## Legislation Text

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**File #:** 33753, **Version:** 1

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### **Fiscal Note**

This agreement establishes a mutual aid program under which member units provide assistance to each other, when resources are available, at their own cost. Any funds recovered from other parties are split equitably among the aiding units. The City Risk Manager has reviewed the agreement. The increased risk under the agreement related to the indemnification and the hold harmless provisions is covered under the City's insurance, subject to its terms and conditions.

### **Title**

Approving a Mutual Aid Box Alarm System Agreement (MABAS) between the City and the Wisconsin Department of Military Affairs for fire, rescue and emergency medical services.

### **Body**

Wisconsin Statutes 66.0301(2) and 66.0303(3)(b) covers contracting for the receipt or furnishing of services with other municipalities. Wisconsin Statutes 66.03125 authorizes fire departments to engage in mutual assistance within the fire department's jurisdiction and Statutes 166.03(2)(a) 3 and 323.13(1)(d) relates to standards for local emergency management programs. The Department of Military Affairs of the State of Wisconsin is authorized to furnish guidance, develop and promulgate standards for emergency management programs. Wis. Admin. Code Chapter WEM 8 establishes standards for the adoption of MABAS by local governments.

The City entering into this agreement will have the benefits of mutual aid for fire protection, firefighting and the protection of life and property in the event of an emergency or disaster. This agreement identifies the City as a Member Unit that can request aid or be requested to provide equipment, personnel and/or services to another unit that has an emergency need. Upon a request for mutual aid, the Fire Department would determine if it has the available resources to respond to the request.

The agreement includes language that personnel, equipment and/or services are provided at no cost. However, any recoverable expenses from third parties and responsible parties are to be equitably distributed among Aiding units.

Sections Six and Seven of the agreement covers insurance, indemnification and waiver of claims. The City will be responsible for maintaining worker's compensation and liability insurance. Employee wages, benefits, disability payments, pensions and worker's compensation costs for City employees remain the responsibility of the City.

The term of this agreement is for one year starting upon the execution of this agreement with automatic renewal for successive one year terms until termination of the agreement.

WHEREAS, the City of Madison wishes to be a member of the MABAS System for mutual aid; and

WHEREAS, pursuant to APM 1-1 the inclusion of an indemnification provision requires the express approval of the Common Council; and

WHEREAS, that while the indemnification clause increases the City's exposure to risk, the City has coverage for indemnification clauses under its current insurance policy, subject to the policy's terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, that the City approve a contract with the State of Wisconsin

Department of Military Affairs for fire, rescue and emergency medical services for the Mutual Aid Box Alarm System (MABAS).

BE IT FURTHER RESOLVED, that the City accepts the terms of the insurance, indemnification and waiver of claims as stated in the agreement.

BE IT STILL FURTHER RESOLVED, that the Council approves execution of this agreement by the Mayor, Clark and other designated City officials