

**IN THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON**

**In the Matter of an Ordinance)
Amending the Curry County Code,) **ORDINANCE NO. 23-01**
Article Six, Division Six (Emergency)
Management))**

The Curry County Board of Commissioners hereby ordains as follows:

SECTION 1: TITLE

This Ordinance shall be known as Ordinance 23-01, an ordinance amending the Curry County Code with respect to the Emergency Management Code, Article Six, Division Six.

SECTION 2: PURPOSE

It is the policy of the State of Oregon that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local government level. Pursuant to State statute, the executive officer or governing body of each county or city is responsible for the emergency services system or emergency management agency within the respective jurisdiction. It is the purpose of this ordinance to comply with these State requirements and to set out the procedures for emergency response so that the County is better able to protect the health and welfare of its citizens. The Curry County Emergency Management Director is appointed as the Emergency Program Manager to administer the Emergency Department and Program.

The authority to declare a state of emergency rests with the County Board of Commissioners. In order of descending authority, the following persons shall have the authority to declare a local state of emergency or its termination. No such person shall declare or terminate a local state of emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local state of emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation allows.

- a. Chair of the Curry County Board of Commissioners
- b. Vice-chair of the Curry County Board of Commissioners
- c. Commissioner of the Curry County Board of Commissioners
- d. Sheriff of Curry County
- e. Emergency Management Director of Curry County

The Board or their authorized representative may, on behalf of the County, enter into such reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other compacts or plans with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and/or services. Such powers and functions may be exercised in light of the exigencies

of the emergency or disaster and may waive compliance with time consuming procedures and formalities prescribed by law pertaining thereto.

SECTION 3: REPEALER and ADOPTION

The Current Article Six, Division Six (Curry County Emergency Management) is hereby repealed and replaced in its entirety by the Code Provisions attached hereto and incorporated by reference.

SECTION 4: SEVERANCE CLAUSE

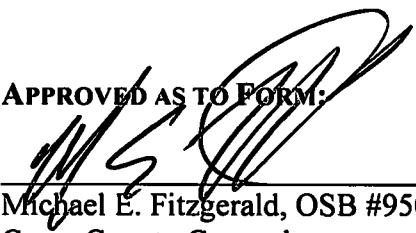
If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect the validity of the remaining portions of the Ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 5: EMERGENCY CLAUSE

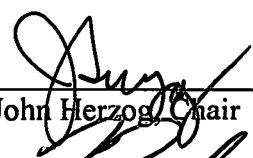
The Board of Commissioners for the County of Curry deems this Ordinance necessary for the immediate preservation and protection of the public, peace, health, safety and general welfare for Curry County and declares an emergency exists; this Ordinance shall be in full force and effect on its passage.

DATED this 4th day of January, 2023.

APPROVED AS TO FORM:


Michael E. Fitzgerald, OSB #950738
Curry County Counsel

BOARD OF CURRY COUNTY COMMISSIONERS


John Herzog, Chair


Brad Alcorn, Vice Chair

EFFECTIVE DATE: JANUARY 4, 2023


Court Boice, Commissioner 17022

ARTICLE SIX

DIVISION SIX

EMERGENCY MANAGEMENT DEPARTMENT

SECTION 6.06.010

STATEMENT OF PURPOSE AND AUTHORITY

It is the policy of the State of Oregon that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local government level. Pursuant to State statute, the executive officer or governing body of each county or city is responsible for the emergency services system or emergency management agency within the respective jurisdiction. It is the purpose of this ordinance to comply with these State requirements and to set out the procedures for emergency response so that the County is better able to protect the health and welfare of its citizens.

SECTION 6.06.020

DEFINITIONS

- a) "Agency" as used in this document, refers to Oregon State Department of Emergency Management.
- b) "Authorized representative", in the case of a city or town; the mayor, city manager, town manager, town administrator, executive secretary, police chief or on-duty shift commander of the police department, fire chief or on-duty shift commander of the fire department, health director or chairperson of the board of health and the emergency management director; and, in the case of a governmental unit that is not a city or town, the chief executive officer or his designee.
- c) "Board" as used in this document, refers to the Curry County Board of Commissioners.
- d) "Department" as used in this document, refers to the Curry County Emergency Management Department.
- e) "Disaster" as used in this document, refers to an occurrence of natural catastrophe, technological accident, or human-caused event that has resulted in severe property damage, deaths, and/or multiple injuries.
- f) "Disaster Response" as used in this document, refers to a response by organizational units of local government exceeding mutual aid directed toward any emergency in an attempt to mitigate the effects of the emergency upon the public welfare. The effects of the emergency, either actual or potential, must be of such magnitude that available resources must be directed to the response effort.
- g) "Emergency Management" as used in this document, refers to the managerial function charged with creating the framework within which communities reduce vulnerability to hazards and cope with disasters; federal, state, territorial, tribal, substate regional, and local governments, nongovernmental organizations, private sector organizations, critical

infrastructure owners and operators, and all other organizations and individuals who assume an emergency management role.

- h) "Emergency" as used in this document, refers to any manmade or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering, or financial loss and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, and war.
- i) "Emergency Response" as used in this document, refers to prompt action directed at safeguarding the public's welfare through procedures designed to minimize danger to life, health, property loss, or related impacts. The level of response is a function of the severity of the emergency, the impact or potential impact upon persons or property, and the ability of government to respond given limitations of budget, personnel, and equipment.
- j) "Emergency Services" as used in this document, refers first responders: fire, police, and emergency medical technicians.
- k) "Employee", as used in this document, refers to a person employed full-time or part-time by a governmental unit, a volunteer officially operating under a governmental unit, or a person contractually providing services to a governmental unit.
- l) "Governmental unit", as used in this document, refers to a city, town, county, regional transit authority, water or sewer commission, district, or a law enforcement council.
- m) "Incident command system, or 'ICS'", as used in this document, refers to the standardized national incident management system that establishes an on-scene management system of procedures for controlling personnel, facilities, equipment and communications from different agencies at the scene of an emergency or other event for which mutual aid assistance is provided.
- n) "Law enforcement council", as used in this document, refers to a nonprofit corporation comprised of municipal police chiefs and other law enforcement agencies established to provide: (i) mutual aid to its members pursuant to mutual aid agreements; (ii) mutual aid or requisitions for aid to non-members consistent with section 8G of this chapter or section 99 of chapter 41; and (iii) enhanced public safety by otherwise sharing resources and personnel.
- o) "Mutual Aid" as used in this document, refers to the cross-jurisdictional provisions, materials, and/or facilities from one party or governmental unit to another when existing resources are, or may be found to be, inadequate.
- p) "Public safety incident", as used in this document, refers to an event, emergency or natural or man-made disaster, that threatens or causes harm to public health, safety or welfare and that exceeds, or reasonably may be expected to exceed, the response or recovery

capabilities of a governmental unit including, but not limited to, a technological hazard, planned event, civil unrest, health-related event and an emergency, act of terrorism and training and exercise that tests and simulates the ability to manage, respond to or recover from any such event.

- q) State of Emergency as used in this document, refers to an operational condition of government declared pursuant to Section 6.06.060, wherein the usual and customary procedures of government may be suspended to enable immediate resource deployment to safeguard life and property in accordance with the Curry County Emergency Operations Plan.

SECTION 6.06.030 INCIDENT COMMAND SYSTEM

The Board adopts the National Incident Management System (NIMS) and the Incident Command System (ICS). These are the preferred incident management tools and will be integrated into all county emergency response and operations plans.

6.06.031 Incident Command Post

The Emergency Services Director shall be responsible for the deployment and establishment of the Incident Command Post. The County Emergency Services Director or their designee shall perform the duty of incident commander and shall make all personnel assignments according to need. In accordance with the Incident Command System, the County Emergency Services Director will be relieved as the Incident Commander upon the arrival of a more qualified responder for that specific incident. Whenever an emergency affects two or more political subdivisions, the concept of Unified Command shall be put into effect

SECTION 6.06.040 COUNTY EMERGENCY MANAGEMENT DEPARTMENT

6.06.041 Organization

The Curry County Emergency Management Department maintains an emergency coordination system by planning, preparing, and providing for the mitigation, response and recovery coordination for emergencies and disasters in the County. The Department is responsible for organizing and coordinating all jurisdictions, agencies, and organizations involved in disaster preparedness, mitigation, response, and recovery, ensuring all local plans and procedures are developed and maintained to meet local, state, and federal requirements. The Director of the Department reports directly to the Board. The Department may consist of, but is not limited to: Emergency Management Director, Emergency Managers, Coordinators, Specialists, and Aquatic Safety.

6.06.042 Responsibility and Authority of Emergency Management within Curry County (ORS 401.305).

There is hereby formed in Curry County an Emergency Management Department. The County Emergency Program Manager has responsibility for the organization, administration, and operation of the Curry County Emergency Management Department, subject to the direction and control of the County governing body and this chapter. The Department is directly responsible to the executive officer or governing body of the county, and shall perform the following emergency

management functions at a minimum: Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities; establish an incident command structure for management of a coordinated response by all local emergency service agencies; and coordinate with the Oregon Department of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by Homeland Security Presidential Directive 5 of February 28, 2003.

The County Emergency Management Director, on behalf of the County, shall have the authority to enter into mutual aid agreements between the County and cities within the County or neighboring counties, pursuant to Section 6.06.070-072. These agreements may provide for the support of the activities of these other jurisdictions during a state of emergency but may not provide for the assumption of control over non-Curry County personnel, equipment, and resources.

6.06.043 Emergency Management Director

The Emergency Management Director will:

- a) Establish and identify personnel and material needs and to process, as eligible, requests for federal or state funding;
- b) Represent the county with other agencies regarding funding and performance matters;
- c) Represent jurisdictions within the county without emergency management programs;
- d) Develop and maintain emergency operations plans for jurisdictions within the county without emergency management programs;
- e) Adopt operational procedures and practices to prepare county to respond to and recover from major emergencies or disasters;
- f) Provide for the coordination of emergency plans, programs, and operations within the county, cities, neighboring jurisdictions, and other public and private agencies with emergency management responsibilities.
- g) Guide each county department in development, implementation, review and maintenance of emergency response plans for each critical facility, and department continuity of operations plans for Board approval;
- h) Provide or arrange for training necessary to support these plans;
- i) Develop and conduct practice exercises to give county officers and employees practice in directing, coordinating and supporting operations under emergency conditions;
- j) Negotiate intergovernmental agreements for Board approval that further planning and preparedness to meet projected emergencies or disasters;
- k) Provide for the procurement of personnel, equipment, materials, and supplies from higher authority, and for the accounting of thereof for use in the event of a declared emergency;
- l) Coordinate and apply for state and federal funds to achieve and maintain an effective program;
- m) Advise County officials and incident commanders during an emergency and in the development of a declaration of an emergency;
- n) Serve as contact for damage reports during and immediately following emergencies;
- o) Maintain a plan for the collection, evaluation, and dissemination of emergency incident status information, and for recommending to the Board whether potential or actual damage justifies a declaration of emergency;

- p) Administer the County Emergency Management Program;
- q) Administer the County Emergency Management Agency;
- r) Create and train teams that will be responsible for:
 - (a) Incident management and coordination in an Emergency Operations Center (EOC) environment within the scope of the emergency operations plan approved by the Board;
 - (b) Participating in Incident Command System (ICS) training;
 - (c) Participating in county emergency operations plan (EOP) exercises and event driven EOC activations.
- s) Designate and train individuals to perform the EOC functions including operations, planning, logistics, finance, public information, safety, liaison, and legal counsel as well as other positions that may be needed in a large-scale event.
- t) Coordinate with the Curry County Emergency Services Director to identify and train individuals to perform the ICS functions including incident commander, operations, planning, logistics, finance, public information, safety, liaison, and legal counsel as well as other positions that may be needed in a large-scale event.
- u) Recommend to the Board any ordinances, policies, or procedures which would assist the Board and other county officials in the performance of their duties in preparing for, responding to, and recovery from an emergency.

The Department will simultaneously notify Board and the Sheriff of all Emergency Operations Center activations. The Emergency Program Manager, appointed by the board, coordinates with and supports the Emergency Services Director in regard to emergency and disaster response, and administers the Emergency Management Program, including the management and implementation of the Emergency Operations Plan and shall be responsible for day-to-day emergency management operations as defined by ORS 401.025.

6.06.044 Curry County Emergency Operations Plan

The Emergency Management Department shall be responsible for the preparation and implementation of an emergency operations plan, hereinafter referred to as "plan." This plan shall be a written document detailing mitigation, preparedness, response, and recovery processes for use in dealing with actual or potential emergencies or disasters and shall provide a framework within which emergency response agencies may function to safeguard life and property. The plan is intended to be used only as a guide and does not carry the force of law. All County departments are authorized to take immediate action outside of the plan when human life is threatened. Nothing within this section requires the County to provide services to a City exceeding provision of the Emergency Operations Plan.

SECTION 6.06.050 EMERGENCY OPERATIONS CENTER

To facilitate emergency or disaster response, an Emergency Operations Center (EOC) may be established as needed. The EOC will be staffed and equipped to enable radio communications with field units and on-site command posts, and with the State of Oregon Emergency Coordination Center, the State of Oregon Department of Emergency Management (OEM), and Emergency Management Agency.

6.06.051 Location of EOC

The EOC shall be established in one of the following locations, unless the locations are deemed unsafe for EOC operations:

- a. Curry County Emergency Operations Center located in the basement of the Curry County Courthouse at 29808 Colvin Street, Gold Beach, Oregon 97444 whose mailing address is 94235 Moore Street, Suite 213, Gold Beach, Oregon 97444;
- b. City of Brookings Emergency Operations Center located at 888 Elk Drive, Brookings, Oregon 97415.

A mobile EOC will be deployed to field locations as needed.

The EOC shall be operated pursuant to the Incident Command System. The Emergency Management Director or his/her designee shall perform the duty of EOC Director and shall make all personnel assignments according to need. The EOC will provide support to the Incident Commander. The EOC will be staffed by personnel from County government and other entities as needed. The Emergency Program Manager will schedule quarterly training for EOC personnel.

SECTION 6.06.060 DECLARATION OF STATE OF EMERGENCY

A local state of emergency may be declared by the Board or their designee as provided in this section after a determination is made by the Sheriff, Emergency Management Director, or their designees that an emergency or disaster has occurred or is imminent. A declaration of local state of emergency may be verbal or in writing and shall state the conditions and factors that necessitate such action and specify the geographical area covered by the declaration. Such area, event description, and duration shall be no larger than necessary to effectively respond to the emergency.

6.06.061 Parties Authorized to Declare State of Emergency

The authority to declare a state of emergency rests with the County Board of Commissioners. In order of descending authority, the following persons shall have the authority to declare a local state of emergency or its termination. No such person shall declare or terminate a local state of emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts were unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local state of emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation allows.

- a. Chair of the Curry County Board of Commissioners
- b. Vice-chair of the Curry County Board of Commissioners
- c. Commissioner of the Curry County Board of Commissioners
- d. Sheriff of Curry County
- e. Emergency Management Director of Curry County

6.06.063 Notification of State of Emergency

Any Declaration of Emergency by the Board shall be promptly sent to the Oregon Department of Emergency Management in writing and include:

1. A certification signed by the county governing body, or an authorized representative of such, that all local resources have been expended; and,

2. A preliminary assessment of property damage or loss, injuries, and deaths.

The public shall be notified through general publicity of said Declaration.

6.06.064 Termination of State of Emergency

As soon as practical after the Declaration of a State of Emergency, if not already terminated, the Curry County Board of Commissioners shall meet in person or by telephone and determine whether existing conditions require the continuation of the state of emergency. Upon a determination that the emergency no longer exists, or when the threat of an emergency has passed, the local state of emergency shall be terminated in accordance with this section.

6.06.065 Authority, Control, and Management of Resources During State of Emergency

Whenever a state of emergency has been declared to exist within unincorporated Curry County, or upon the request of a municipality's governing body, the Board of County Commissioners is empowered to order and enforce the measures necessary to meet the emergency. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may order emergency measures provided that approval from a majority of the Board of County Commissioners is sought and obtained at the first available opportunity, or the Chair's order will become null and void. A partial list of emergency measures which may be ordered by the Board of Commissioners includes:

- a) Redirect County funds for emergency use;
- b) Suspend standard County procurement procedures;
- c) Extend governmental authority to nonpublic resources (i.e. personnel and equipment) required to support regular County resources. When property is taken under such power, the owner of the property is entitled to reasonable compensation.
- d) Enter into mutual aid agreements and agreements with other public and private agencies for use of resources, including police and law enforcement;
- e) Establish a curfew for the emergency area;
- f) Evacuate persons from the emergency area;
- g) Limit the number of persons who may congregate in public within the emergency area;
- h) Restrict and regulate vehicular and pedestrian traffic to, from, and within the emergency area;
- i) Curtail or suspend commercial activity within the emergency area;
- j) Direct all rescue and salvage work, and do all things deemed advisable and necessary to alleviate the immediate condition;
- k) Designate persons to coordinate the work of public and private relief agencies operating in such area and exclude from such area any person or agency refusing to cooperate with and work under such coordinator or to cooperate with other agencies engaged in emergency work;
- l) Control, restrict, and regulate the distribution and use of food, feed, fuel, clothing, other commodities, materials, goods, and services by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation, or other means;
- m) Direct activities in connection with the use, conservation, and salvage of essential materials, services, and facilities. These materials, services, and facilities may include

production, transportation, power and/or communication facilities, the training and supply of labor, health and medical care, housing, rehabilitation, education, child care, recreation, and consumer protection; and

- n) Take any other action that may be necessary for the management of resources following an emergency.

6.06.066 Powers of the Sheriff

Upon the declaration of a local State of Emergency, the Sheriff of Curry County, or a designee, shall have the following powers:

1. To issue a closure order closing to all persons any county road or local access road in Curry County. Any closure order issued by the Sheriff, or a designee, shall be no larger than reasonably necessary to effectively respond to the emergency.
2. To request other public agencies, private persons or private entities for permission to issue a closure order for roads, waterways or other property under their jurisdiction or control.
3. To prohibit any person from entering or remaining in an area subject to a closure order.
4. Coordinate with Curry County Emergency Services, state agencies, and federal agencies to maintain traffic flow and conduct mitigation measures to minimize the impact to citizens using the closed area.
5. Authorize the Rural Fire Chief of the affected unincorporated area in Curry County to order and conduct evacuation measures as determined by the Rural Fire Chief.
6. The members of the Sheriff's Office and such other law enforcement and peace officers are further authorized to enforce the orders, rules and regulations made or issued pursuant to this Division.
7. During the period of a declared emergency or disaster, a person shall not:
 - a. Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment.
 - b. Violate any of the orders duly issued by the Board or authorized personnel.
 - c. Willfully obstruct, hinder, or delay any duly authorized County officer, employee or volunteer in the enforcement or exercise of the provisions of this chapter, or of the undertaking of any activity pursuant to this chapter.

6.06.067 Scope and Effect of Rules and Orders During a State of Emergency

The authority to issue or promulgate rules and orders under this chapter may be exercised with respect to the entire area over which the Board has jurisdiction or to any specified part thereof. All rules and orders issued under authority conferred by this chapter shall have the full force and effect of law during a declared state of emergency. All previously existing ordinances, rules, and orders inconsistent with this chapter shall be inoperative during the period of time and to the extent such inconsistencies exist.

6.06.068 Price Gouging Prohibited

During a disaster declared by the Governor or an emergency declared by the Board, the value received for goods and services sold within the designated disaster area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at, or immediately before, the time of the emergency. However, the value received may include reasonable expenses and a charge for any attendant business risk, in addition to the cost of the goods and services that

necessarily are incurred in procuring the goods and services during the emergency. Each sale or offer for sale violating this provision constitutes a separate offense.

6.06.069 Penalty and Enforcement

Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this Chapter shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty. This Chapter shall be enforceable in the manner provided by Article 10 of Curry County Code (Enforcement).

SECTION 6.06.070 ACQUISITION OF RESOURCES, MUTUAL AID AGREEMENTS, AUTO AID AGREEMENTS, AND MEMORANDUMS OF UNDERSTANDING.

The foregoing shall apply to all executive, legislative and judicial powers and functions conferred upon the County and its officers, employees and authorized agents. Mutual Aid Agreements, Auto Aid Agreements, and Memorandums of Understanding developed during and before an emergency or disaster shall be filed with the Curry County Clerk. Under the provisions of ORS Chapter 401, State resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs, the County fails to act, or the emergency involves two or more Counties and the Governor determines that lack of coordination is hampering the effectiveness of response to the emergency.

The Board or their authorized representative may, on behalf of the County, enter into such reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other compacts or plans with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and/or services. Such powers and functions may be exercised in light of the exigencies of the emergency or disaster and may waive compliance with time consuming procedures and formalities prescribed by law pertaining thereto.

This section shall not affect, supersede or invalidate any other statutory or contractual mutual aid or assistance agreements involving parties to the agreement. A party may enter into supplementary mutual aid agreements with other parties or jurisdictions.

6.06.071 Authorization For Assistance

Pursuant to the Oregon Resource Coordination Assistance Agreement (ORCAA) Implementation Guide, the County hereby authorizes the Emergency Management Department to request assistance or to respond to requests for assistance using ORCAA.

Under this section and the provisions of ORCAA, the Board of County Commissioners is authorized to extend government authority to nongovernmental resources (i.e. personnel, equipment) that may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. Eminent domain applies as provided by ORS Chapter 35.

6.06.072 Mutual Aid Administered and Received Pursuant to ORCAA Guidelines

The joining of Municipalities to the County Mutual Aid Agreement, manner of requests for Mutual Aid Assistance, responsibilities of the parties, and form of requests shall be conducted as provided by ORCAA, as currently exists or as may be amended. If provisions of this Division conflict with the provisions of ORCAA, they shall be superseded.

6.06.073 Joining of Municipalities to County Mutual Aid Agreement

If a City wishes to join the agreement, the Mayor or, if authorized, the City Manager may act on behalf of the City to join the agreement by notifying the director of the agency in writing. The municipality shall be a party to the agreement 30 days after receipt by the Department of the written notification.

A City that has joined the agreement may opt out of the agreement in the same manner as provided for joining the agreement and by notifying the agency in writing of its intention to opt out. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

If a governmental unit that is not a City wishes to join the agreement, the chief executive officer of the governmental unit may act on its behalf to join the agreement by notifying the director of the agency in writing. The governmental unit shall be a party to the agreement 30 days after receipt by the agency of the written notification.

If a governmental unit that is not a City has joined the agreement but wishes to opt out of the agreement, the chief executive officer of the governmental unit may act on its behalf to opt out of the agreement by notifying the agency in writing. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

6.06.074 Requests for Mutual Aid Assistance

The requesting party shall be responsible for the overall operation, assignment and deployment of resources and personnel provided by a sending party consistent with the incident command system. The sending party shall retain direct supervision, command and control of personnel, equipment and resources provided by the sending party unless otherwise agreed to by the requesting party and the sending party. During the course of rendering mutual aid assistance under the agreement, the sending party shall be responsible for the operation of its equipment and for any damage thereto unless the sending party and the requesting party agree otherwise.

Except as otherwise agreed to by the parties, the requesting party shall seek reimbursement under any applicable federal and state disaster assistance programs for the costs of responding to the public safety incident. The requesting party and each sending party shall receive, based on the documented costs of providing mutual aid assistance, its pro rata share of the disaster assistance reimbursement provided to the requesting party.

Each party to the agreement shall waive all claims and causes of action against each other party to the agreement that may arise out of their activities while rendering or receiving mutual aid assistance under the agreement, including travel outside of its jurisdiction; and shall defend, indemnify and hold harmless each sending party from all claims by third parties for property damage or personal injury which may arise out of the activities of the sending party or its employees, including travel, while providing mutual aid assistance under the agreement.

6.06.075 Responsibilities of Sending Party

A sending party shall document its costs of providing mutual aid assistance under the agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair costs and the costs of materials and supplies. A sending party shall also document the use of its equipment and the quantities of materials and supplies used while providing mutual aid assistance under the agreement. While providing mutual aid assistance under the agreement, employees of a sending party shall:

1. Be afforded the same powers, duties, rights, and privileges as they are afforded in the sending party's geographical jurisdiction or location; and
2. Receive the same salary, including overtime, that they would be entitled to receive if they were operating in their own governmental unit. In the absence of an agreement to the contrary, the sending party shall be responsible for all such salary expenses, including overtime.

All expenses incurred by the sending party in rendering mutual aid assistance pursuant to the agreement shall be paid by the sending party; provided, however, that a requesting party and a sending party may enter into supplementary agreements for reimbursement of costs associated with providing mutual aid assistance incurred by a sending party.

6.06.076 Responsibilities of Receiving/Requesting Party

A party that receives a request for mutual aid assistance shall provide and make available, to the extent reasonable and practicable under the circumstances, the resources requested; provided, however, that a sending party may withhold requested resources to the extent necessary to provide reasonable protection and coverage for its own jurisdiction.

While in transit to, returning from and providing mutual aid assistance under the agreement, employees of a sending party shall have the same rights of defense, immunity and indemnification that they otherwise would have under the law if they were acting within the scope of their employment under the direction of their employer. A sending party shall provide to, and maintain for, each of its employees who provide mutual aid assistance under the agreement the same indemnification, defense, right to immunity, employee benefits, death benefits, workers' compensation or similar protection and insurance coverage that would be provided to those employees if they were performing similar services in the sending party's jurisdiction.

6.06.077 Form of Request for Mutual Aid Assistance

A request by a party to receive mutual aid assistance under the agreement shall be made, either orally or in writing, by an authorized representative of the requesting party and shall be communicated to an authorized representative of the sending party or to the agency; provided, however, that if the request is communicated orally, the requesting party shall reduce the request to writing and deliver it to the sending party or to the agency at the earliest possible date, but not later than 72 hours after making the oral request. A party to the agreement may request mutual aid assistance during, in anticipation of or as a result of a public safety incident.

An oral or written request for mutual aid assistance under the agreement shall include the following information:

1. A description of the public safety incident;

2. The nature, type and amount of personnel, equipment, materials, supplies or other resources being requested;
3. The manner in which the resources shall be used and deployed;
4. A reasonable estimate of the length of time for which the resources shall be needed;
5. The location to which the resources shall be deployed; and
6. The requesting party's point of contact.

6.06.078 Filing of Mutual Aid Agreements

All Mutual Aid Agreements entered into by the County shall be promptly filed with the Curry County Clerk.