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# **MUTUAL AID**

**April, 2013**

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## MUTUAL AID

### THE BASICS



The California emergency response system is based on a system of mutual aid. The mutual aid system is based on the premise that during a disaster event local communities may have insufficient resources to adequately respond to the needs of the impacted area. When local capabilities are exceeded, mutual aid may be provided, first from surrounding communities and then from other mutual aid regions and as a last resort the State. Mutual aid is intended to provide facilities and services to supplement a responding jurisdiction's assets; however, mutual aid is voluntary, no community is required to deplete its own resources below a level where it can adequately respond to its own needs.

#### SEMS and MUTUAL AID

SEMS helps coordinate resources within existing mutual aid systems (see Figure 1, *MUTUAL AID CHANNELS: Discipline Specific Mutual Aid Systems*) and requests that are outside developed mutual aid systems (such as requests for resources to aid animals in disasters). Mutual aid is considered one of the foundation elements of SEMS. Figure 2, *California Emergency Organization*, provides a summary of the structure of SEMS that directs the flow of resource requests and resource allocation through mutual aid.

#### CALIFORNIA MASTER MUTUAL AID AGREEMENT

Mutual aid is provided between local jurisdictions and the State under the provisions of the *California Disaster and Civil Defense Master Mutual Aid Agreement*, most often referred to as the California Master Mutual Aid Agreement (MMAA). This agreement was developed in 1950 and adopted by California's then existing incorporated cities, all 58 counties, and the State. All mutual aid systems developed in the State must meet the provisions of the California Master Mutual Aid Agreement. Mutual aid assistance is provided through six mutual aid regions, which are organized under State OES into three administrative regions during disaster operations (Coastal, Inland and Southern Regions). See Figure 3, *Mutual Aid Regions*.

There are several discipline-specific mutual aid systems within the State emergency response system. Some have elaborate procedures and protocols. Others are much less formal. Some such as fire and law enforcement function on a daily basis while others, such as the disaster medical/health system and public works, function only during disaster response. All are

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based on a system of progressive mobilization requiring local requests to be processed through the OA mutual aid organization to the regional mutual aid coordinators, and then to the State level mutual aid structure if required. All mutual aid systems retain the premise of local control of response operations.

### **NO MUTUAL AID SYSTEM FOR ANIMAL ISSUES**

#### **THERE IS NO FORMAL ANIMAL MUTUAL AID SUPPORT SYSTEM**

There are no assigned regional mutual aid coordinators for animal issues, since a system for mutual aid for animal concerns is not yet developed in California. The closest function to a regional mutual aid coordinator will be the Animal Health Branch Coordinator in the REOC Operations Section. If State OES requires an Animal Health Branch Coordinator in the State Operations Center, that position will act as the mutual aid coordinator with federal agencies to provide assets to assist animals in a California disaster.

### **COOPERATIVE AGREEMENTS FILL THE VOID**

#### **COOPERATIVE AGREEMENTS ARE NOT MUTUAL AID**

Cooperative assistance agreements may be entered into between counties to provide for resources that may not otherwise be available through the mutual aid system or that are not normally covered under the MMAA. These resources might include private resources (e.g. veterinarians), private arenas, agricultural centers at private universities and colleges, feed lots, and even rendering facilities. Any agreements for government resources, however, must be in agreement with the Master Mutual Aid Agreement.

Cooperative assistance agreements allow for counties to develop pre-existing arrangements to cover aspects of using private resources, such as reimbursement, that is not part of the mutual aid system. Completing these agreements may allow the veterinary-care community to handle private resources in a manner similar to mutual aid. (Refer to the “Frequently Asked Questions in the back of this SOP)

Without cooperative assistance agreements counties may still make arrangements at the time of a disaster to assist an impacted area. However, such arrangements would be more time consuming, even though CARES, through the CDFA DOC, could help by establishing communications and facilitating information flow between requestors and suppliers.

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## STATE OES COORDINATES DISASTER MUTUAL AID

### STATE OES HAS LEAD FOR STATE AGENCY MUTUAL AID DURING DISASTERS

During a State of War Emergency, a State of Emergency, or a Local Emergency, the OES Director will coordinate the emergency activities of all state agencies (*California Emergency Services Act, §8587*).

Emergency mutual aid response and recovery activities are generally conducted at the request and under the direction of the affected local government. Some emergency responses are led by designated state agencies. Such agencies have jurisdiction at the state level for those emergencies or disasters. In some cases there may be joint response, requiring a Unified Command for coordinated response between state and local jurisdictions; e.g., hazardous material, nuclear power plant, and terrorism emergencies.

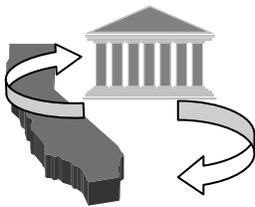
### MUTUAL AID REQUESTS START AT THE OA LEVEL

Resource requests for response and recovery originate at the lowest level of government and are progressively forwarded to the next level until filled. For example, if an OA is unable to provide the necessary requested assistance from within the OA, it may contact the OES Region at the Regional Emergency Operations Center (REOC) and forward the request.

State agencies with responsibilities for emergency response, including CDFA, will follow their established plans and procedures. During complex emergencies involving multiple jurisdictions and agencies, coordination of resources can be achieved through the use of liaison officers, agency representatives, and Unified Command (See SOP *Command and Control*) within the REOC, SOC, or DOC.

When support requirements cannot be met with state resources, the state may request assistance from those federal agencies having statutory authority to provide assistance in the absence of Presidential Declarations. The State may also request a Presidential Declaration of an Emergency or Major Disaster under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as amended or the PETS Act, Public Law 109-308, as amended.

The three OES Administrative Regions manage and coordinate information and resources among OAs within mutual aid regions designated pursuant to Government Code §8600, and between the OAs and state agencies for support during emergency mitigation, preparedness, response, and recovery activities.



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## MUTUAL AID DURING THE MANAGEMENT CYCLE

### DAY-TO-DAY MUTUAL AID OPERATIONS

**Day-to-Day:** Disaster plans are developed and revised to guide disaster response and increase available resources. Planning activities include writing mutual aid operational plans and training response personnel to use them. Preparedness activities are part of the implementation of the Master Mutual Aid Agreement.

### IMMEDIATE IMPACT

**Immediate Impact:** During this phase, emphasis is placed on saving lives, controlling the situation, and minimizing the effects of the disaster. Immediate response actions are accomplished within the affected area by government agencies (including requests for mutual aid), local community based organizations (**CBOs**) and segments of the private sector.

### SUSTAINED OPERATIONS AND RECOVERY

**Sustained:** As the emergency continues, assistance is provided to victims of the disaster and efforts are made to reduce secondary damage. Regional or statewide mutual aid may be provided to assist with these efforts, continuing throughout recovery.

## CONTROL OF MUTUAL AID RESOURCES



Under California's concept of mutual aid, local officials remain in control of their jurisdiction's emergency operations while others may provide additional resources upon request. A key aspect of this control is to be able to communicate official requests, situation reports, and other emergency information throughout any disaster condition.

## MUTUAL AID FUNDING



Under the terms of the Master Mutual Aid Agreement, emergency response is provided at no cost to a requesting jurisdiction. Under specific conditions, federal and state moneys may be appropriated to reimburse public agencies that aid other jurisdictions. If other agreements, memoranda, and contracts are used to provide assistance for consideration, the terms of those documents may affect disaster assistance eligibility.

It is the policy of the State that contracts for emergency response needs and disaster repair and restoration are entered into by the lowest level of government possible. Therefore, a city should enter into a contract before a county, and counties should enter into contracts before the state or state agencies. Local entities bear the cost and may be reimbursed if funds are made available. Further details about funding for mutual aid can be found later in the frequently asked questions section.

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## THE MUTUAL AID COORDINATION PROCESS



OES TRACKS  
ALL MAJOR  
EMERGENCY  
OPERATIONS BY  
NUMBER

Mutual aid coordination by OES can range from a facilitator's role of communicating requests from various jurisdictions (acting as a broker), to requesting mutual aid in response to a Governor's order for signatories of the MMAA to provide mutual aid to impacted jurisdictions. The following general system approach will be used for all response conditions and disciplines, including requests for supporting animals in disasters.

State and local agencies contacted by OES to conduct emergency operations will be issued *a number* for reference in monitoring the progress of *a task* and for the providing agency's use in maintaining records of expenses incurred. Specific numbering procedures are maintained by OES which address authorized actions through the SOC, the REOCs, and OES Executive Duty Officers. The *tracking number* provides evidence of a duly authorized emergency response activity conducted under the authority of the OES Director, or the Governor. It does not constitute a purchase order or interagency agreement between OES and the responding agency. *It is not a mission number.*

STATE AGENCY  
MISSION  
TASKING

### STATE AGENCY MISSION TASKING

It is the policy of the State of California that all state agencies will provide immediate and efficient response to disasters when directed by OES. Although CDFA should be mindful of the fiscal implications of emergency response actions, life saving response shall not be delayed by concerns for reimbursement or budgetary impacts.

The following guidelines explain the process by which state agency resource tasking is performed:



- The SOC and REOCs issue OES State Agency *Mission Numbers* valid only for state agencies (not the same number as issued to track activities, as previously mentioned).
- OAs and State Agencies must request mutual aid assistance from outside their mutual aid region through their OES REOC, or the SOC if unable to contact the REOC.
- OES will analyze and coordinate the requests for support to assist animals, tasking an appropriate state agency. OES should contact CDFA to review any of these requests within the CARES framework and to identify the appropriate agency to be tasked.

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## STATE AGENCY TASKING

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- The tasked state agency provides the approved resources requested for the mission. However, the tasked agency has the authority to adjust the number, type, and status of resources, in consultation with the requesting agency (and CDFA) to accomplish the mission. Once a mission number is issued, any significant change in the mission, activity, type, work site, scope, and nature must be approved by OES in coordination with CDFA and its CARES participants. Local government should also be informed when the state approves changes in resources.
- The tasked and requesting agencies are responsible to report to OES the number and status of resources deployed on a mission on a daily basis. The state agency will provide continuous updated information to OES, via RIMS, including the number, type, and status of resources and any change in status. CDFA will also do this if their state agency personnel or material resources are used to support local government. The CDFA DOC will also track the mission progress reports from the REOC(s) or SOC to assess the success of the resource allocation.
- An OES State Agency Mission Number does not guarantee reimbursement. A Mission Number does not imply that OES will cover a state agency's costs for a mission. It does mean that OES will endorse claims for reimbursement by the tasked state agency when they apply to appropriate state and federal government agencies.
- OES may direct a state agency to perform a service outside their normal statutory responsibility during a State of Emergency or State of War Emergency (per Government Code §§8570, 8587, 8595, 8627, and 8628).
- After a mission is approved, the requesting and tasked agencies, with OES, will establish a completion date for the mission. It can only be extended after formal reconsideration by OES, the providing state agency and the local government.
- OES, acting for the Governor, reserves the right to redirect state mutual aid resources based on an assessment of all disaster circumstances.

**MISSION REPORTS**

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## FREQUENTLY ASKED QUESTIONS

### **Q. What is the process of considerations for reimbursement for mutual aid?**

**A:** The purpose of mutual aid is to save lives and protect property through neighbor helping neighbor. The reimbursement issues need to be resolved based on that purpose, not on ease of reimbursement. Mutual aid under the California Master Mutual Aid Agreement (MMAA) is to be provided without consideration for reimbursement. The providers of mutual aid *may* attempt to retrieve costs from the State by seeking the Governor's approval for payment of extraordinary costs. The agency receiving the aid *may* attempt to recover these costs for mutual aid from State OES if a State of Emergency was proclaimed, or from FEMA if a federal disaster was declared. Legislative remedies may be made available. However, there are no guarantees that any costs from MMAA activities will be reimbursed.

In most disasters, mutual aid is rendered before it is known if there will be a state or federal declaration. Statute implies that the state is responsible for mutual aid costs after there is a State of Emergency proclamation. Section 8633 of the California Emergency Services Act states that,

**"In the absence of a state of war emergency or state of emergency, the cost of extraordinary services incurred by political subdivisions in executing mutual aid agreements shall constitute a legal charge against the state when approved by the Governor in accordance with orders and regulations promulgated as prescribed by Section 8567."**

Specific agreements can be developed to augment mutual aid agreements when extraordinary costs are anticipated in specific threat scenarios. These are separate documents that describe specific schedules of payment for particular resources provided from one jurisdiction to another. These agreements may be used prior to a local emergency proclamation, during the use of mutual aid, or after mutual aid has been exhausted. These agreements detail what resources are provided by whom, at what cost, and the roles of all parties to the agreement. Resources in these types of agreements reflect extraordinary costs associated with disaster response.

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## FREQUENTLY ASKED QUESTIONS

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As stated in the *Public Assistance Eligibility for Floods*, completed in compliance with the Flood Emergency Action Team (FEAT) Initiative Number 10:

**“According to FEMA, mutual aid costs are normally eligible on the basis of cooperative agreements that are in place at the time of the disaster. Costs are normally billed to the requesting entity by the mutual aid provider, and a request for FEMA reimbursement is filed by the requesting entity. FEMA states that this procedure ensures that the requesting entity is responsible for the non-federal share and receives the subgrantee administrative allowance. In the absence of a mutual aid agreement, FEMA states that mutual aid costs will be reviewed and considered on the basis of eligible work performed, reasonableness and need on a case-by-case basis.”**

**Q: If a jurisdiction establishes contracts for specific emergency response resources, does the jurisdiction lose immunities provided under the California Master Mutual Aid Agreement?**

**A:** The current concepts imply that the each resource would need to be evaluated. Personnel, for example, might lose access to the Disaster Service Worker program if they were being provided as paid employees under the contract provisions of a separate agreement. In addition, immunities for errors and omissions or commissions of acts performed with equipment provided under an agreement for pay may not have the benefit of immunities provided by those acts performed under the California Master Mutual Aid Agreement.

Each agreement should address immunity and liability coverage. All government employees in California are considered Disaster Services Workers (DSW). Local government personnel sent under the MMAA most often are covered by the providing agency’s workers compensation rather than as a DSW. These workers are still under the umbrella of the MMAA as long as the services comply with the MMAA. Unclear DSW classifications and acts, however, may complicate compensation and coverage. Mutual aid contracts should specify services and liability coverage. Each agreement should reference the applicable sections of the MMAA to ensure that the agreement is in compliance.

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## FREQUENTLY ASKED QUESTIONS

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**Note:** Pre-written agreements are contracts and may be problematic. A standard form could be used in plans as a guide for writing contracts for outside services. Contract requirements are sometimes waived for emergencies.

**Note:** Under the terms of the Master Mutual Aid Agreement, Mutual Aid emergency response is provided at no cost to a requesting jurisdiction. Under specific conditions, federal and state monies may be appropriated to reimburse public agencies that aid other jurisdictions where the President declares a Major Disaster or Emergency, or the Governor has proclaimed a State of Emergency. If other agreements, memorandums, and contracts are used to provide assistance for consideration, the terms of those documents may affect disaster assistance eligibility.

**Note:** It is the policy of the State that contracts for emergency response needs and disaster repair and restoration be entered into by the lowest level of government possible. Therefore, a city should enter into a contract before a county, and counties should enter into contracts before the state or state agencies. The local entities bear the cost and may be reimbursed if funds are made available.

**Note:** As stated in the *Public Assistance Eligibility for Floods*, completed in compliance with the Flood Emergency Action Team (FEAT) Initiative Number 10:

**“...When mutual aid is requested, discussions should be held between the requesting party and the responding party, as to what costs, if any, will be reimbursed by the requesting party to the responding party. If this reimbursement is outside existing mutual aid agreements, a special agreement should be committed to writing as soon as possible after the event, detailing any reimbursement provisions.”**

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## FREQUENTLY ASKED QUESTIONS

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**Q: Can the Governor require that mutual aid be provided as a “mandatory” act?**

**A:** The current concepts in California empower the Governor to require the provision of mutual aid by all State departments and agencies and local government signatories to the California Master Mutual Aid Agreement to, “prevent and combat any type of disaster in accordance with duly adopted mutual aid operational plans...” And that, “...mutual aid extended under this agreement [MMAA] and the operational plans adopted pursuant thereto shall be available and furnished in all cases of local peril or emergency and in all cases in which a State of Extreme Emergency has been proclaimed.”

The MMAA was drafted so that local government could provide mutual aid to other local governments when there was no Local Emergency, State of Emergency or State of War Emergency. Prior to the MMAA, there was no statutory basis that allowed local jurisdictions this ability outside of forming Joint Powers Agreements. When a Local Emergency is proclaimed, it is at the discretion of local jurisdiction to provide mutual aid. Each jurisdiction that is requested to provide mutual aid assistance has the authority to define what would unreasonably deplete its resources, including the jurisdiction’s financial assets.

However, if a State of Emergency or State of War Emergency is proclaimed, the Governor is in command of *all* State resources, and mutual aid becomes mandatory. The Governor is in command of all the resources of the State, and local jurisdictions are deemed subdivisions of the State under the Emergency Services Act. Mutual aid costs are deemed to be a charge against the state when the state mandates that such aid be provided. A local government jurisdiction that refuses to provide mutual aid, when ordered to do so during a State of Emergency or State of War Emergency, may have their officials prosecuted. Should a jurisdiction later request to withdraw from the Master Mutual Aid Agreement they may

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be informed that state mutual aid may not be provided to them in the future.

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## **FREQUENTLY ASKED QUESTIONS**

(continued)

**Q: What jurisdictions or agencies may submit requests for mutual aid costs to the State for “extraordinary services” costs when there is no State of War or State of Emergency?**

**A: Any local jurisdiction** incurring “extraordinary services” costs, in the process of providing mutual aid, may submit reimbursement claims to OES. However, as a matter of general policy, the mutual aid providers should send their bills to the jurisdiction where the aid was given, and that jurisdiction then forwards the bill to OES for reimbursement.

The ESA states that mutual aid for “extraordinary services” constitutes a legal charge against the state “when approved by the Governor in accordance with orders and regulations,” **and** when there is no “state of war emergency or state of emergency.” For emergency conditions requiring expenditures prior to or without a proclamation, the Governor can grant approval for payment of extraordinary services through orders and regulations. These services have been defined by policy from OES Fire and Law Branches, not by statute.

Agencies and jurisdictions may also develop contracts for specific mutual aid considerations, including cost recovery elements. These agreements must be general enough to ensure they provide adequate coverage for a variety of situations, yet specific in those stipulations that will enhance cost recovery.

**Q. How is this application different than for FEMA applications, and can jurisdictions submit applications directly to the Federal government for mutual aid costs?**

**A.** OES is the grantee for local governments and state agencies, who are the subgrantees providing mutual aid during federal disaster declarations. This process holds true for both the Natural Disaster Assistance Act (**NDAA**) and the Stafford Act.

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## FREQUENTLY ASKED QUESTIONS

(continued)

As stated in the *Public Assistance Eligibility for Floods*, completed in compliance with the Flood Emergency Action Team (FEAT) Initiative Number 10:

**“FEMA has recently questioned whether state agencies that provided mutual aid in response to the 1155 disaster are eligible to claim the associated costs under their own applications...it is the OES position that in accordance with the California Emergency Services Act and the State Emergency Plan, state agencies are legally responsible for their assigned disaster response activities.”**

**Q. How can State agencies, like CDFG, attempt to recover costs for mutual aid not covered by the Stafford Act and FEMA?**

- A.** The California Government Code, §8649, further provides that for any state department using its personnel, property, equipment, or appropriation for declared emergencies, where the agency's funds are subject to constitutional restrictions, the state department may be reimbursed and the original expenditure considered a temporary loan to the General Fund. It is the state's policy to recover eligible state agency disaster costs from available federal assistance programs. It is each state agency's responsibility to maintain its own records, prepare its own applications for disaster assistance funds, and prepare requests to the Legislature to recoup funds spent on disaster activities.

The State Administrative Manual (**SAM**) provides that, subject to approval by Department of Finance (**DOF**), any state agency may use its personnel, property, equipment, and appropriations in emergencies proclaimed by the Governor. In the event a department is unable to absorb all the costs associated with an emergency response, it should request assistance from DOF. The DOF staff will give immediate attention to the anticipated funding deficiency and provide guidance to the department projecting the shortage. DOF will evaluate and make decisions on each request for supplemental funding on an individual basis.

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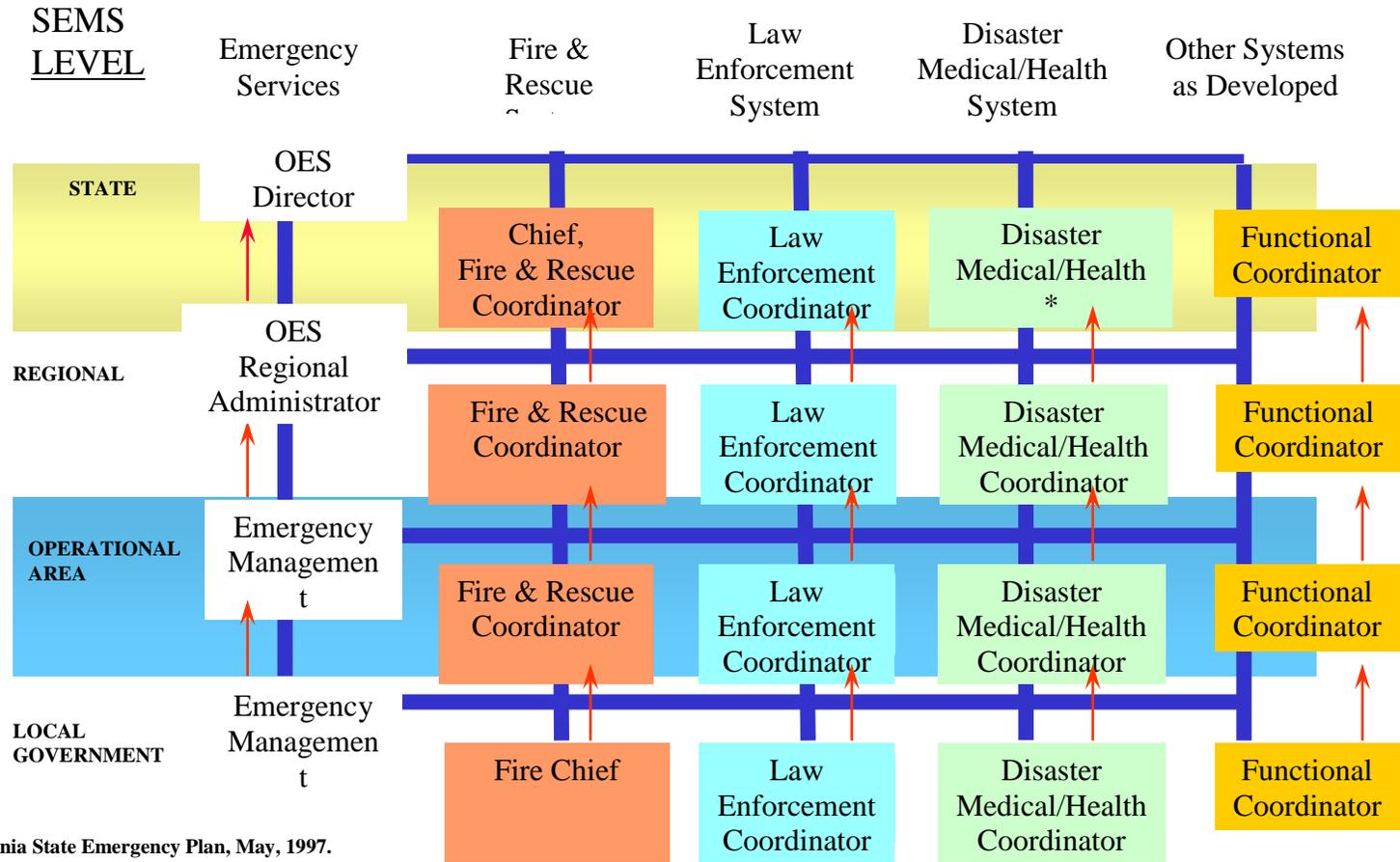
## **FREQUENTLY ASKED QUESTIONS**

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There are specific protocols for directing state agency budget expenditures for disaster response and recovery activities. The Governor has the authority under the Emergency Services Act (**ESA**) to expend any appropriation to carry out the provisions of that Act, including the activities described in this plan. Therefore, state agencies may be directed to incur costs and expend funds from their normal operating budget for disaster assignments.

Because of the need to respond to emergency situations immediately, there may be times when it is difficult to secure advance approval for expenditures from the Department of Finance (DOF). For this reason, DOF, under the authority of the California Government Code, §13078, and Executive Order W-9-91, has given standing authority to the OES Director to direct any agency to utilize and employ state personnel, property, equipment, and appropriations to prevent or alleviate actual or threatened damage due to an emergency, without prior approval. The cost of such urgency actions by state agencies may not exceed \$25,000 for each emergency incident directed by OES. For expenditures above this level, DOF approval is required.

**FIGURE 1**  
**MUTUAL AID CHANNELS:**  
**Discipline Specific Mutual Aid Systems**



Source: Adapted from California State Emergency Plan, May, 1997.

\* Includes Mental Health Mutual Aid System



Resource

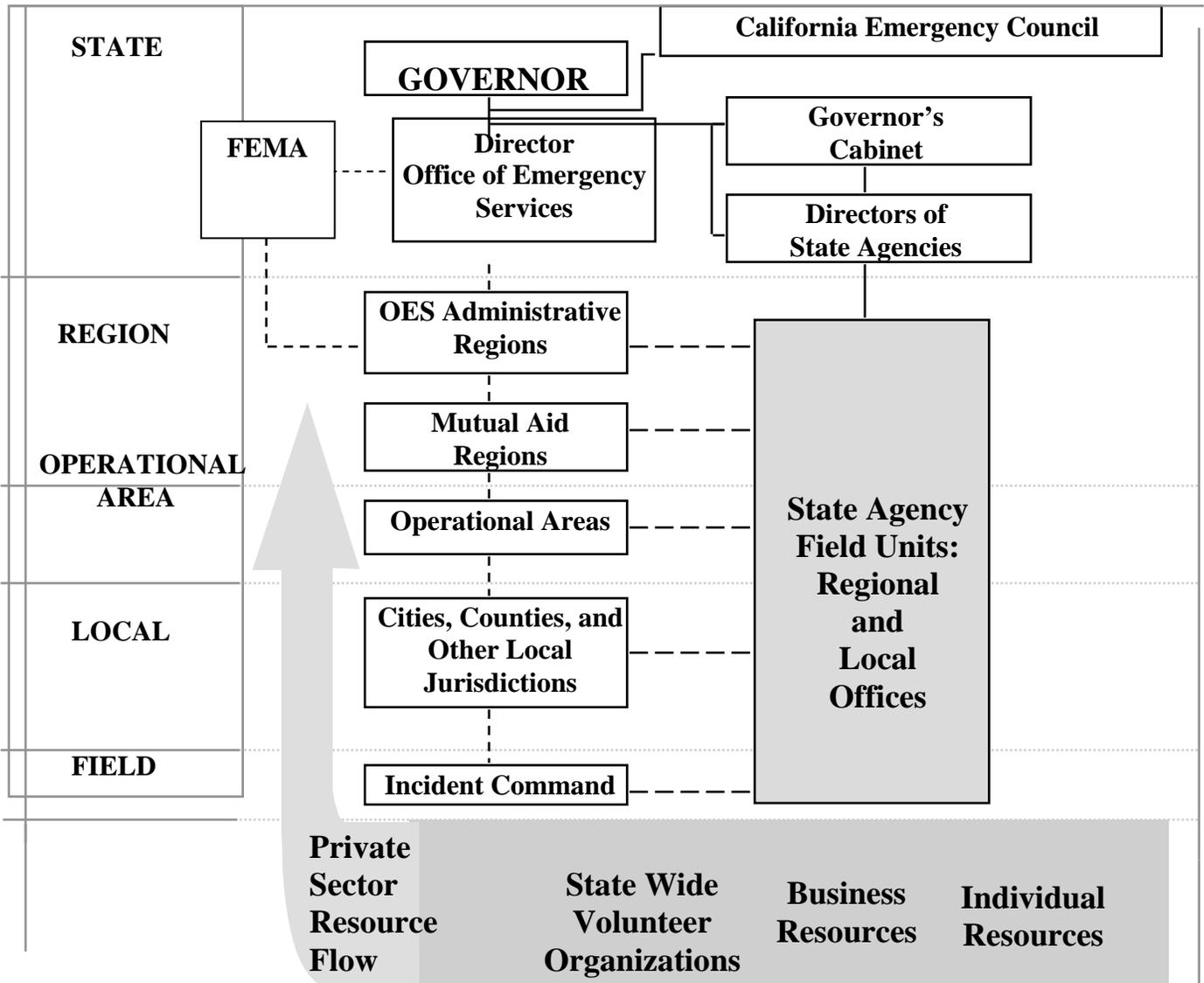


Information Flow and Coordination

**FIGURE 2**

**CALIFORNIA EMERGENCY ORGANIZATION**

**SEMS LEVELS**



———— EMERGENCY MANAGEMENT LINES OF AUTHORITY  
 - - - - - EMERGENCY RESOURCE COORDINATION/SUPPORT

Source: Adapted from California State Emergency Plan, May, 1997.

**FIGURE 3**

**CALIFORNIA MUTUAL AID REGIONS**

