

[Formerly 401.043]

INTRASTATE MUTUAL ASSISTANCE COMPACT

402.200 Legislative findings. The Legislative Assembly finds that:

(1) In order to minimize the impact of an event that overwhelms the resources of a local government, one local government should be able to make resources available to another local government as quickly as possible.

(2) It is appropriate to establish an efficient and permissive intrastate mutual assistance compact among local governments that will allow local governments maximum flexibility to protect life and property within their jurisdictions. [Formerly 190.155]

402.205 Definitions for ORS 402.200 to 402.240. As used in ORS 402.200 to 402.240:

(1) “Event” means an incident that overwhelms or may overwhelm the resources of a local government.

(2) “Local government” has the meaning given that term in ORS 174.116.

(3) “Requesting local government” means a local government that requests assistance from other local governments.

(4) “Resources” means employees, services, equipment and supplies of a responding local government.

(5) “Responding local government” means a local government that has responded to a requesting local government by providing resources. [Formerly 190.156]

402.210 Local government mutual assistance compact. (1) There is created an intrastate mutual assistance compact among the local governments within this state.

(2) The compact streamlines the process by which a local government:

(a) Requests assistance from another local government

whenever an event occurs; and

(b) Temporarily acquires resources for training, drills or exercises.

(3) The compact does not:

(a) Require a local government to provide resources to a requesting local government.

(b) Preclude a local government from entering into any other agreement with another local government.

(c) Affect any other agreement to which a local government is a party or may become a party. [Formerly 190.158]

402.215 Request for assistance. (1) A local government may request assistance to:

(a) Prevent, mitigate, respond to or recover from an event; or

(b) Work on its own or with other local governments in training, drills or exercises.

(2) A request for assistance must be made by or through the presiding officer of the governing body of a requesting local government or the chief executive officer or chief executive officer's designee of the requesting local government.

(3) A request for assistance may be oral or written. If a request is oral, the responding local government must document its response to the requesting local government in writing within 30 days from the date on which the request was made.

(4) Response and the extent of the response are voluntary and may be terminated at any time. [Formerly 190.160]

402.220 Resource sharing; procedures and protocols. (1) A responding local government may withhold resources to the extent necessary to provide reasonable protection and services for the responding local government.

(2) For purposes of the operational and tactical objectives required by the requesting local government, the resources of a responding local government are under the direct command and control of the requesting local government.

(3) Unless otherwise directed by the requesting local government:

(a) The employees of the responding local government shall use the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.

(b) The services, equipment and supplies of the responding local government shall be used under the standard operating procedures, medical and other protocols and rating procedures used by the responding local government to accomplish the strategic and tactical goals.

(4) Notwithstanding subsection (2) of this section, employees of the responding local government remain at all times employees of the responding local government and under the ultimate command and control of the responding local government. [Formerly 190.162]

402.225 Credentials of employee providing assistance.

Subject to any limitations and conditions the governing body of the requesting local government may prescribe, if an employee of a responding local government holds a license, certificate, permit or similar documentation that evidences the employee's qualifications in a professional, technical or other skill, the employee is considered to be licensed, certified or permitted in the jurisdiction of the requesting local government for the duration of the event or the training, drills or exercises. [Formerly 190.164]

402.230 Reimbursement for assistance; disputes. (1) The intent of the intrastate mutual assistance compact created under ORS 402.210 is to provide for nonreimbursable assistance to a requesting local government.

(2) Notwithstanding subsection (1) of this section, a responding local government may request reimbursement and a requesting local government may reimburse the responding local government.

(3) A request for reimbursement must be made and agreed to in

writing prior to the provision of resources by the responding local government.

(4) If a dispute regarding reimbursement arises between a requesting local government and a responding local government, the involved local governments shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the local government asserting noncompliance to the other local government.

(5) If the local governments cannot resolve the dispute within 90 days after receipt of the notice of alleged noncompliance, either local government in the dispute may submit the dispute to arbitration under the commercial arbitration rules of the American Arbitration Association. [Formerly 190.166]

402.235 Applicable benefits for injuries to employee providing assistance. If a person is an employee of a responding local government and the person sustains injury in the course of providing requested assistance, the person is entitled to all applicable benefits, including workers' compensation, normally available to the employee while performing regular duties for the responding local government. [Formerly 190.168]

402.240 Indemnification of employee providing assistance.
(1) Assistance rendered by an employee of a responding local government is a governmental function.

(2) Employees of a responding local government are agents of the requesting local government.

(3) The requesting local government shall defend, save harmless and indemnify an employee of a responding local government to the same extent the requesting local government is required to do for its employees as provided in ORS 30.285 and 30.287. [Formerly 190.170]