

RELATIONS WITH GOVERNMENTAL AGENCIES AND AUTHORITIES
EMERGENCY MANAGEMENT

GGE
(LEGAL)

EMERGENCY
ASSISTANCE

A local government, including a college district, may provide emergency assistance to another local government, whether or not the local governments have previously agreed or contracted to provide that kind of assistance, if:

1. In the opinion of the presiding officer of the governing body of the local government desiring emergency assistance, a state of civil emergency exists in the local government that requires assistance from another local government and the presiding officer requests assistance; and
2. Before the emergency assistance is provided, the governing body of the local government that is to provide the assistance authorizes that local government to provide the assistance by resolution or other official action.

Gov't Code 791.027(a)

MUTUAL AID

A local government entity may render mutual aid to other local government entities under mutual aid agreements or the Texas Statewide Mutual Aid System (TSMAS). *Gov't Code 418.107(c)*

A local government entity or organized volunteer group may provide mutual aid assistance on request from another local government entity or organized volunteer group. The chief or highest ranking officer of the entity from which assistance is requested, with the approval and consent of the presiding officer of the governing body of that entity, may provide that assistance while acting in accordance with the policies, ordinances, and procedures established by the governing body of that entity. *Gov't Code 418.109(d)*

DEFINITIONS

"LOCAL
GOVERNMENT
ENTITY"

"Local government entity" means a county, incorporated city, independent school district, college district, emergency services district, other special district, joint board, or other entity defined as a political subdivision under the laws of this state that maintains the capability to provide mutual aid. *Gov't Code 418.004(10)*

"MUTUAL AID"

"Mutual aid" means a homeland security activity, as defined by Government Code 421.001, performed under the system or a written mutual aid agreement. *Gov't Code 418.004(11)*

"ORGANIZED
VOLUNTEER
GROUP"

"Organized volunteer group" means an organization such as the American National Red Cross, the Salvation Army, the Civil Air Patrol, the Radio Amateur Civil Emergency Services, a volunteer fire department, a volunteer rescue squad, or other similar organization recognized by federal or state statute, regulation, or memorandum. *Gov't Code 418.004(5)*

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REQUESTS FOR ASSISTANCE A request for mutual aid assistance may be submitted verbally or in writing. If a request is submitted verbally, it must be confirmed in writing. *Gov't Code 418.115(a)*

ABILITY TO RENDER ASSISTANCE When contacted with a request for mutual aid assistance, a local government entity shall assess local resources to determine availability of personnel, equipment, and other assistance to respond to the request.

A responding local government entity may provide assistance to the extent personnel, equipment, and resources are determined to be available. A local government entity is not required to provide mutual aid assistance unless the entity determines that the entity has sufficient resources to provide assistance, based on current or anticipated events in its jurisdiction.

Gov't Code 418.1151

SUPERVISION AND CONTROL When providing mutual aid assistance under the system:

1. The response effort must be organized and function in accordance with the National Incident Management System guidelines;
2. The personnel, equipment, and resources of a responding local government entity being used in the response effort are under the operational control of the requesting local government entity unless otherwise agreed;
3. Direct supervision and control of personnel, equipment, and resources and personnel accountability remain the responsibility of the designated supervisory personnel of the responding local government entity;
4. The designated supervisory personnel of the responding local government entity shall:
 - a. Maintain daily personnel time records, material records, and a log of equipment hours;
 - b. Be responsible for the operation and maintenance of the equipment and other resources furnished by the responding local government entity; and
 - c. Report work progress to the requesting local government entity; and
5. The responding local government entity's personnel and other resources are subject to recall at any time, subject to reasonable notice to the requesting local government entity.

Gov't Code 418.1152

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DURATION OF AID

The provision of mutual aid assistance under the system may continue until:

1. The services of the responding local government entity are no longer required; or
2. The responding local government entity determines that further assistance should not be provided.

Gov't Code 418.1153

EMPLOYEE RIGHTS
AND PRIVILEGES

A person assigned, designated, or ordered to perform duties by the governing body of the local government entity employing the person in response to a request under the TSMAS is entitled to receive the same wages, salary, pension, and other compensation and benefits, including injury or death benefits, disability payments, and workers' compensation benefits, for the performance of the duties under the system as though the services were rendered for the entity employing the person.

The local government entity employing the person is responsible for the payment of wages, salary, pension, and other compensation and benefits associated with the performance of duties under the system.

Gov't Code 418.116

REIMBURSEMENT
OF COSTS

BY THE DIVISION
OF EMERGENCY
MANAGEMENT

If the division of emergency management in the office of the governor requests the provision of assistance and the local government entity responds, the state shall reimburse the actual costs of providing assistance, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity. A request for reimbursement made to the division must be made in accordance with procedures developed by the division.

Gov't Code 418.118(a)-(b)

BY A
REQUESTING
LOCAL
GOVERNMENT
ENTITY

If a local government entity requests mutual aid assistance from another local government entity under the system that requires a response that exceeds 12 consecutive hours, the requesting local government entity shall reimburse the actual costs of providing mutual aid assistance to the responding local government entity, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, incurred by the responding local government entity in response to a request for reimbursement. Local government entities with a mutual aid agreement when the request for mutual aid assistance is made are subject to the agreement's terms of reimbursement, as provided by Government Code 418.111.

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The requesting local government entity shall pay the reimbursement from available funds. If federal money is available to pay costs associated with the provision of mutual aid assistance, the requesting local government entity shall make the claim for the eligible costs of the responding local government entity on the requesting entity's subgrant application and shall disburse the federal share of the money to the responding local government entity, with sufficient local funds to cover the actual costs of the responding local government entity in providing assistance.

Gov't Code 418.1181

[See CGC for emergency management within the college district]