

Resolution #22-0631
2022 Resolution Book, Page 279

**RESOLUTION AUTHORIZING THE FIRE CHIEF TO EXECUTE
MUTUAL/AUTOMATIC AID AGREEMENTS WITH OTHER CITY, COUNTY, AND
INCORPORATED FIRE DEPARTMENTS**

WHEREAS, pursuant to North Carolina General Statute §166A-19.72, the chief executive of a political subdivision may develop mutual/automatic aid agreements with other political subdivisions for reciprocal emergency management aid and assistance; and

WHEREAS, such mutual/automatic aid agreements authorize the lending of personnel to work temporarily with personnel of the requesting agencies, and the lending of equipment and supplies; and

WHEREAS, such mutual/automatic aid agreements also authorize the receipt of assistance, in the form of personnel, supplies and equipment from other governmental jurisdictions for the prompt, efficient and unhindered receipt of fire protection services which would be to the benefit of the citizens of the City of Winston-Salem; and

WHEREAS, mutual/automatic aid agreements authorize the sharing and common use of equipment and systems with other governmental jurisdictions and incorporated fire departments and support prompt, efficient, unhindered emergency response efforts of a reciprocal nature; and

WHEREAS, mutual/automatic aid agreements may also include terms that provide for the reimbursement, by one jurisdiction to another jurisdiction, of costs and expenses for equipment, supplies, personnel, and similar items, and on such terms and conditions as deemed necessary; and

WHEREAS, North Carolina General Statute § 58-83-1 also authorizes automatic aid assistance between city and county fire departments, including incorporated fire departments

(incorporated volunteer fire departments), which includes sending, or declining to send, firefighters and apparatus beyond the territorial limits which it normally serves;

WHEREAS, pursuant to North Carolina General Statutes §160A-461, agreements between units of local government in this State shall be ratified by resolution of the governing body of each unit and spread upon its minutes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Winston-Salem that:

1. Pursuant to North Carolina General Statutes §58-83-1 and 166A-19.72, the Fire Chief is hereby authorized to enter into and execute mutual/automatic aid agreements (or similar agreements) with other municipal and county fire departments as well as incorporated volunteer fire departments with reasonable terms and conditions as may be agreed upon between the respective fire departments, provided the City Manager approves of such and the City Attorney approves the agreements as to form and legality, all of which is provided that the Fire Chief or the head of the other agency makes a written request for a mutual/automatic aid agreement.

2. Pursuant to North Carolina General Statutes §58-83-1 and 166A-19.72 the Fire Chief is hereby authorized to include terms within such mutual/automatic aid agreements that permit personnel of the Winston-Salem Fire Department to work temporarily with personnel of the requesting agency, that permit the lending of such equipment and supplies to requesting agencies as the Fire Chief deems advisable and that permit the receipt of the same from other city, county, and volunteer fire departments.

3. The Fire Chief is hereby authorized to include terms within such mutual/automatic aid agreements that establish arrangements for the sharing, common use, maintenance, repair, and replacement of equipment and/or systems that allow for, support, and promote efficient, prompt,

and unhindered reciprocal response efforts, as deemed necessary and prudent by the Fire Chief. The terms shall also provide that a city employee, (a) while working with a requesting agency, shall have the same jurisdiction, powers, rights, privileges, and immunities (including those relating to the defense of civil actions and payment of judgments) as the employees of the requesting agency in addition to those the employee normally possesses, and (b) while on duty with the requesting agency, shall be subject to the lawful operational commands of that employee's superior officers in the requesting agency, but the employee shall for personnel and administrative purposes, remain under the control of the employee's own agency, including for purposes of pay. An employee shall furthermore be entitled to worker's compensation and the same benefits to the extent as though s/he were functioning within the normal scope of the employee's duties.

4. All such requests and authorizations shall be in accordance with North Carolina General Statutes §58-83-1, as applicable or North Carolina General Statutes §166A-19.72, as applicable.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Winston-Salem, pursuant to the provisions of the North Carolina General Statutes §160A-461 that participation of the City of Winston-Salem in the provision of mutual/automatic assistance with other cities, counties, and volunteer fire departments is hereby ratified and this authorization is retroactive in effect.

This Resolution shall be effective upon adoption.