

AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS MATERIALS INCIDENT RESPONSE (US)

This agreement, entered into this day May 5, 2010, between the Secretary of the United States Air Force, acting pursuant to the authority of 42 U.S.C. 1856(a), and the Las Vegas Fire and Rescue is securing to each the benefits of mutual aid in fire prevention and hazardous materials incident response, in the protection of life and property from fire, hazardous materials incident and in fire fighting. It is agreed that:

a. On request to a representative of the Nellis Air Force Base (Nellis AFB) Fire Department, by a representative of the Las Vegas Fire and Rescue, firefighter equipment and personnel of the Nellis AFB Fire Department will be dispatched to any point within the area for which the Las Vegas Fire and Rescue normally provides fire protection or hazardous materials incident response as designated by the representatives of the Las Vegas Fire and Rescue.

b. On request to a representative of the Las Vegas Fire and Rescue by a representative of the Nellis AFB Fire Department, fire fighting or hazardous materials incident response equipment and personnel of the Las Vegas Fire and Rescue will be dispatched to any point within the fire fighting or hazardous materials incident response jurisdiction of the Nellis AFB Fire Department, as designated by the representative of the Nellis AFB Fire Department.

c. Any dispatch of equipment and personnel pursuant to this agreement is subject to the following conditions:

(1) Any request for aid hereunder shall include a statement of the amount and type of equipment and personnel requested and shall specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and the number of personnel to be furnished shall be determined by a representative of the responding organization.

(2) The responding organization shall report to the officer in charge of the requesting organization at the location to which the equipment is dispatched, and shall be subject to the orders of that official.

(3) A responding organization shall be released by the requesting organization when the services of the responding organization are no longer required or when the responding organization is needed within the area for which it normally provides fire protection.

(4) In the event of a crash of an aircraft owned or operated by the United States or military aircraft of any foreign nation within the area for which the Las Vegas Fire and Rescue normally provides fire protection, the Chief of the Nellis AFB Fire Department, or his or her representative, may assume full command on arrival at the scene of the crash.

d. Las Vegas Fire and Rescue may claim reimbursement within 90 days for the direct expenses and losses that are additional fire fighting or hazardous materials incident costs above the normal operating costs incurred while fighting a fire or hazardous materials incident response under this agreement as provided in 44 CFR Part 151. Nellis Air Force Base may claim reimbursement for services provided under this agreement pursuant to 42 USC 1856(a).

e. Each party waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement. This provision does not waive any right of reimbursement pursuant to paragraph d above.

f. All equipment used by the Las Vegas Fire and Rescue in carrying out this agreement will, at the time of action, hereunder, be owned by it; and all personnel acting for Las Vegas Fire and Rescue under this agreement will, at the time of such action, be an employee or volunteer member of the Las Vegas Fire and Rescue.

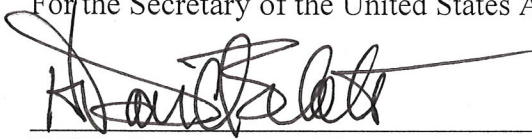
g. Pursuant to 28 U.S.C. §2671, Las Vegas Fire and Rescue personnel dispatched to Nellis AFB shall be deemed federal employees for the purpose of the Federal Torts Claims Act if under the direction or supervision of the Nellis AFB Fire Department at the time of an action where damage to person or property is asserted.

For Las Vegas Fire and Rescue:



OSCAR B. GOODMAN
Mayor

For the Secretary of the United States Air Force:



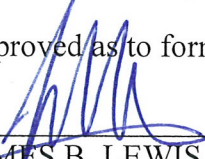
HOWARD D. BELOTE
Colonel, USAF
Commander, 99th Air Base Wing

Attest:



BEVERLY K. BRIDGES, ~~CMC~~ MAC
City Clerk

Approved as to form:



JAMES B. LEWIS
Deputy City Attorney