

The Mutual Aid Agreement for Tribes and LHJs in Washington State

A Public Health Success Story

Tribal Public Health Emergency Preparedness Conference
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American Indian Health Commission
for Washington State



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American Indian Health Commission
for Washington State

About Us

Pulling Together for Wellness

We are a Tribally-driven, non-profit organization providing a forum for the twenty-nine tribal governments and two urban Indian health programs in Washington State to work together to improve health outcomes for American Indians and Alaska Natives.





Public health issues,
emergencies, and
disasters know **no
boundaries**

Collaboration and Preparedness

The unfolding of a public health emergency is a poor time to begin learning how to collaborate with neighboring jurisdictions and understanding their capabilities and available resources



Every emergency and public health incident is experienced first in a local jurisdiction and is responded to first by local, tribal, and state personnel

- See Homeland Security and Emergency Management, Abbott and Hetzel, p. 5

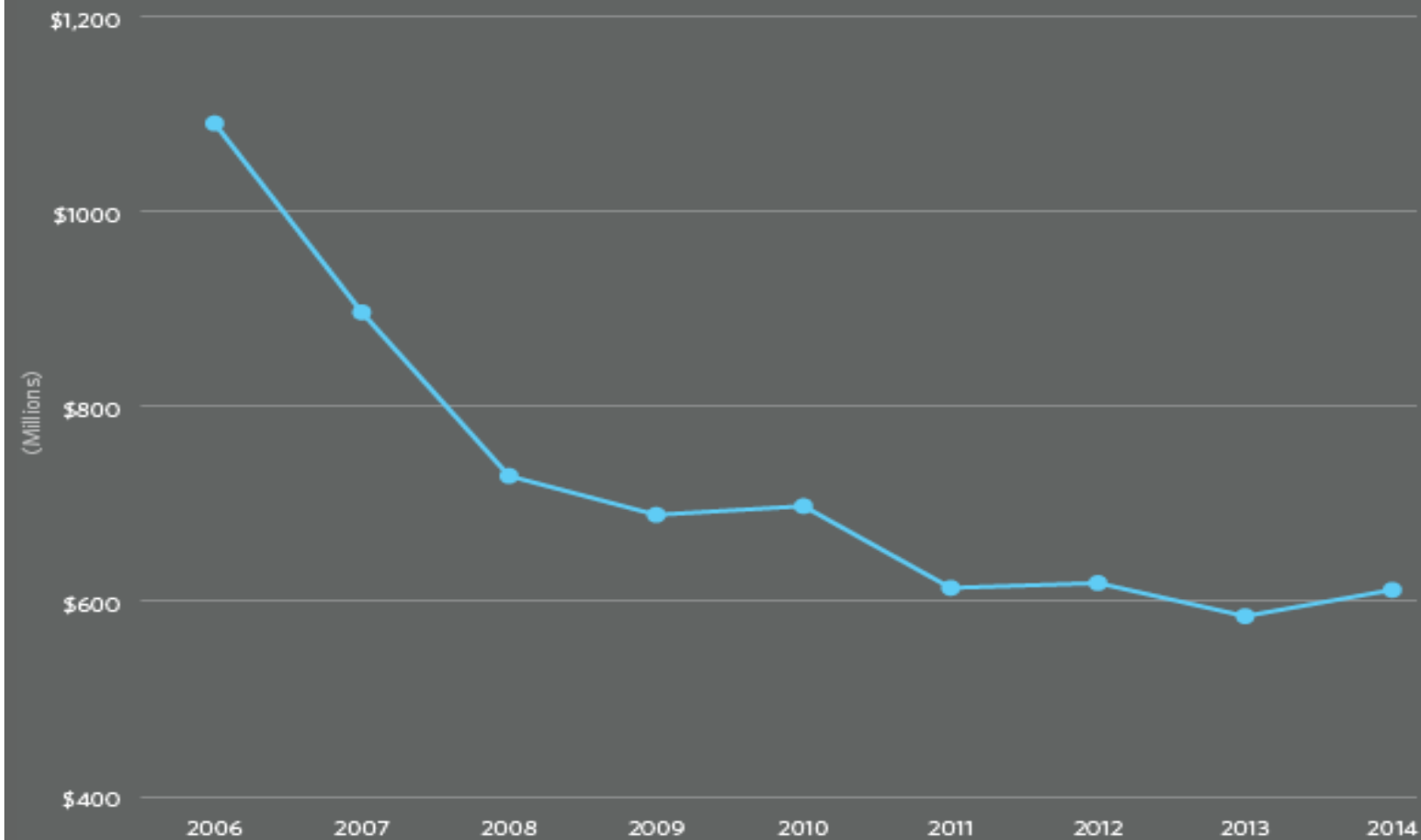


Even with their great authority, no federal, state, or tribal government has the capacity to respond alone to every public health incident or emergency that may occur within its jurisdiction



Public Health Emergency Preparedness Funding (2006-2014) in Millions

Federal funding to states for infectious disease outbreaks and other public health emergencies has dropped 44 percent since 2006.



Source: U.S. Centers for Disease Control and Prevention

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What is Mutual Aid?

Sharing of resources between two or more jurisdictions is referred to as “Mutual Aid

Resources refers to supplies, equipment, personnel, expertise or information



What is a Mutual Aid Agreement?

An agreement between jurisdictions to make resources available should the either jurisdiction need them

-See Homeland Security and Emergency Management, Abbott and Hetzel, p. 251

Example Mutual Aid Agreements

STATE-TO-STATE

Emergency
Management
Assistance
Compact (EMAC)

INTRASTATE

Washington
Intrastate Mutual
Aid System
(WAMAS)

Washington Intrastate Mutual Aid System (WAMAS)

- Only one tribe is currently a member*
- Does not address Indian law specific issues
- Does not preclude counties from entering into agreements with tribes who are not WAMAS members (See RCW 38.56.020)

**The Confederated Tribes of the Colville Reservation*

Unique Legal Considerations of Tribal Mutual Aid Agreements

Unless a Tribal Government specifically grants temporary authority to a Local Public Health Officer, that Health Officer has **NO JURISDICTION** on tribal lands



Unique Legal Considerations of Tribal Mutual Aid Agreements

Tribal Sovereign Immunity

- 3rd Party Liability
- Indemnification

Dispute Resolution

- Binding Arbitration
- Governing Law
- Venue



AIHC's 2017 MAA Project Objectives

OBJECTIVE 1: Revise the original Operational Plan for Region 2

OBJECTIVE 2: Facilitate a collaborative process for tribes and local health jurisdictions in Regions 1 and 3 to develop mutual aid agreements

Guiding Principles

Mutual Aid Agreement and Mutual Aid Guide

- Consistent with NIMS and ICS
- Where appropriate, consistent with WAMAS

Mutual Aid Guide

- MAG consistent with Mutual Aid Agreement
- Pass the 2:00am “First-Timer” test
- Exercised and updated annually



WA Mutual Aid Agreement Project Participation by Region

Operational Guide Only

Mutual Aid Agreement & Operational Guide

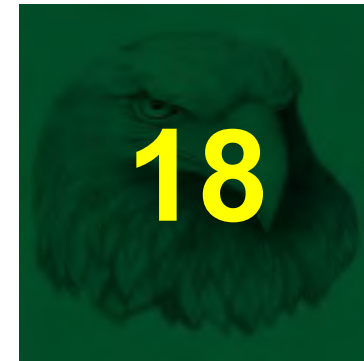
| Region 2 | Region 1 | Region 3 |
|-----------------------------|----------------------|----------------------|
| Hoh Tribe | Lummi Nation | Chehalis Tribe |
| Jamestown S’Klallam Tribe | Nooksack Tribe | Cowlitz Tribe |
| Lower Elwha Klallam Tribe | Samish Tribe | Nisqually Tribe |
| Makah Nation | Sauk-Suiattle Tribe | Quinault Nation |
| Port Gamble S’Klallam Tribe | Stillaguamish Tribe | Shoalwater Bay Tribe |
| Quileute Nation | Swinomish Tribe | Skokomish Tribe |
| Suquamish Tribe | Tulalip Tribes | Squaxin Island Tribe |
| Clallam County LHJ | Upper Skagit Tribe | Grays Harbor LHJ |
| Jefferson County LHJ | Island County LHJ | Lewis County LHJ |
| Kitsap County LHJ | San Juan County LHJ | Mason County LHJ |
| | Skagit County LHJ | Pacific County LHJ |
| | Snohomish County LHJ | Thurston County LHJ |
| | Whatcom County LHJ | |

Project Participation

Operational Staff



Attorneys



 County

 Tribal

22 Tribes

13 Counties

Elements of Mutual Aid Agreement for Tribes and Local Health Jurisdictions in Washington State

- Purpose and Intent
- Authority
- Control of Resources
- Compensation for Injury
- Liability to 3rd Parties & Governmental Immunity
- Indemnification
- Reimbursement
- Licensure
- Dispute Resolution



Key Benefits of the Mutual Aid Agreement for Tribes and Local Health Jurisdictions in WA

- Helps a government fulfill its duty to protect the lives, health and welfare of its people from public health threats
- Provides tribes with legal mechanisms (exercised by the tribe on a case-by-case basis) to temporarily grant authority to a Local Health Officer, or maintain authority and seek technical assistance
- Provides faster and more organized access to resources from other jurisdictions in time of need

Key Benefits of the Mutual Aid Agreement for Tribes and Local Health Jurisdictions in WA

- Reduces legal disputes that may occur after a joint response to an incident or emergency
- Facilitates the ability for an impacted government to receive reimbursement from FEMA and Washington State (See FEMA Disaster Assistance Policy, DAP9523.6)
- Provides opportunity for governments to better understand each jurisdiction's system of government and builds relationships

6 Key Benefits of Tribal-LHJ MAA

- Provides a tool to support regional partners to regularly exercise emergency response practices and strengthen the region's capacity to respond and recover from incidents and emergencies



Elements of Mutual Aid Operational Guide

- Preparation
- Invoking Assistance and Responding to a Request for Assistance
- Deployment and Coordination
- Demobilization
- Reimbursement



Key Benefits of the Mutual Aid Agreement Operational Guide

- Checklist format
- Provides a step-by-step approach
- Shows parallel actions for Requesting Parties and Responding Parties to execute
- Provide guidance to complete the Tribal-Public Health Mutual Aid Request Form

Lessons Learned

- Trust is key
- History is always in the room
- Working with governments that possess different immunity laws remains a challenge
- Parties must weigh risk of entering into agreements vs. not entering into agreements



It's all about Compromise

MAAs are not possible without parties being willing to give...

End result may not be what parties wanted in the beginning, but something they can live with



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AIHC MUTUAL AID PROJECT

Mutual Aid Agreement for Tribes and Local Health Jurisdictions In Washington State

<http://www.aihc-wa.com/aihc-health-projects/emergency-preparedness/mutual-aid-project/>

Q U E S T I O N S

