

Mutual Agreement of Consideration

Mason County Division of Emergency Management (DEM) and Department of Public Works has developed an agreement that allows the inter-departmental use of services and resources to provide a cost effective method of doing business.

This agreement is to memorialize the mutual consideration and benefit that DEM and Public Works shares to the benefit of each other, the citizens and residents of Mason County and, specifically, the Public Works roads and utilities services.

It is long recognized in FEMA and all other federal and state organization charged with Emergency and Disaster preparation and management activities that Public Works is very uniquely situated and has a very unique role in emergency management.

This is particularly true in Mason County which is hugely dependent upon our road and utilities network and our natural resources. In acknowledging this, it is also necessary to acknowledge that in a disaster or emergency situation County roads, streams, rivers and channels, etc. are most at risk from the types of events most likely for the area.

While Public Works is only one of the initial responders (also including law enforcement, fire and medical, etc.), especially in rural communities, Public Works carries the primary burden in the Recovery and Mitigation phases. As described by FEMA; *"...one of the first on scene and one of the last in the field after the event."*

With this unique role, the Public Works Department is also most singularly benefitted by having a Division of Emergency Management, a Comprehensive Emergency Management Plan, an Emergency Operations Center and all associated resources and activities in place.

Given this synergy and mutual benefit, the parties enter into this agreement to acknowledge mutual consideration.

As general consideration, DEM agrees not to charge Public Works any per incident charges for services provided or supported during an emergency or disaster situation. Further, as part of this agreement, DEM will provide services and equipment to the Department of Public Work in lieu of any monetary charges for space rental provided by Public Works to DEM. Correspondingly, Public Works recognizes the value of such service to its mission, roads and utilities and will waive any space rental provided by Public Works. Public Works, however, will be the recipient of any third party rental payments for use of Public Works lands or facilities during an emergency situation.

DEM will continue utilization of Office Space within Building-1 as currently occupied, which includes offices, EOC and common areas (approximately 2089 square feet).

DEM will, however, reimburse Public Works all actual cost of utilities (PUD-Electric, Natural Gas) and Insurance (prorated) for the space used in Building-1, which results in a payment of between \$.90 and \$.99 (cents) per square foot annually based upon current utilization and cost. This actual cost of utilities and insurance will be reassessed annually or upon any reallocation of costs for the Building-1. The parties agree to commence this payment based upon a utility rate of \$.98 (cents) per square foot annually.

Further, DEM agrees to vacate Building-6 (approximately 2184 square feet of storage) which has been historically utilized as a storage unit for emergency supplies.

Public Works reserves the right to move the covered parking, currently utilized by communication vehicle(s) and/or pick-up truck to an area mutually agreeable on the compound.

Mason County Division of Emergency Management further provides the following specific services to Public Works:

- a) Emergency Management provided the backbone telephone system used for the Public Works compound.
- b) Emergency Management purchased the intrusion and fire alarm systems for Public Works building #1.
- c) Emergency Management provides a 40 kilowatts emergency power generator for portions of Public Works building #1.
- d) Emergency Management provides two over head projectors and two power projection screens for use in the Public Works training rooms.
- e) Emergency Management provides integrated computer WiFi for the Emergency Operations Center and the Public Works training rooms.
- f) Emergency Management purchased and stores 45,000 empty sandbags for use on public roadways, public infrastructure, and emergency diverting of hazardous material spills that may possibly contaminate fish habitat.
- g) Emergency Management provides the equipment and outfits employees with Legend ID security badges.

Mason County Department of Public Works provides the following specific services to Emergency Management:

- a) Provide space in Public Works Building-1 for Division of Emergency Management for offices and Emergency Operations Center.

- b) Provide non-essential staff to assist in the Emergency Operations Center during an emergency event.
- c) Provide parking area for DEM vehicles and relocate the current cover, if desired, to another location to be mutually agreed.

The terms of this agreement will continue in effect until terminated in a written notice providing at least 30 (thirty) days notification.

This letter of agreement contains the entire agreement between us. No part of this letter of agreement may be changed, modified, amended or supplemented except in a written document, signed by both parties which specifically states that the document is being signed for the purposes of modifying this Agreement.

This Agreement shall be interpreted in accordance with the laws of Washington. In interpreting this contract, the parties hereby acknowledge that mutual agreement to the terms of this Agreement.

Except as otherwise specifically provided for in this Agreement, in the event either party is in default of any of the material provisions of this agreement and fails to cure the default within ten (10) days after written notice of such default by the other, the non-defaulting party shall have the right to terminate this Agreement.

It is understood and agreed that this Agreement does create a partnership and joint venture between the parties, and that each is acting as independent departments with respect to each other.

Accepted and agreed to on December 16, 2014 by

William R. Kenny

Bill Kenny, Director
Mason County Support Services
411 North 5th Street
Shelton, Washington 98584

Accepted and agreed to on January 8, 2015 by

Brian Matthews

Brian Matthews, Director
Mason County Public Works & Utilities Department
100 Public Works Drive
Shelton, Washington 98584