

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, N.E.
Washington, DC 20002-4239

**RESOLUTION SUPPORTING FEDERAL LEGISLATION ENABLING MUTUAL AID AGREEMENTS IN
THE NATIONAL CAPITAL REGION**

WHEREAS, the local governments in the National Capital Region have historically provided mutual assistance and aid across jurisdictional boundaries, pursuant to a number of Mutual Aid Agreements covering public safety, health, public works, and other functions; and

WHEREAS, the needs of the National Capital Region, after September 11, 2001, for expanded mutual assistance and aid, both intrastate and interstate, have been recognized by the Metropolitan Washington Council of Governments (“COG”), its Task Force on Homeland Security, The National Capital Region Emergency Preparedness Council (“NCR-EPC”), the Governors of Maryland and Virginia and the Mayor of the District of Columbia, acting through their Senior Policy Group, and the U.S. Department of Homeland Security; and

WHEREAS, the current statutes of Maryland, Virginia, and the District of Columbia, and the case law applicable to each, insofar as they address issues of third party liability, sovereign immunity, indemnification, and reimbursement applicable to mutual aid and assistance, have precluded amendment of existing Mutual Aid Agreements or the execution of new Agreements; and

WHEREAS, local government attorneys representing COG member jurisdictions have been attempting to resolve these concerns for several years; and

WHEREAS, local government attorneys, in collaboration with representatives of the Senior Policy Group, the Attorneys General of Maryland and Virginia, and the Department of Homeland Security, after reviewing a number of potential solutions to these concerns, including Federal statutes, Interstate Compacts, modified State statutes, are convinced that the best (and perhaps only) solution is a Federal statute that addresses all these concerns;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:**

The Washington Metropolitan Council of Governments endorses enactment of a Federal statute that would:

1. Assert findings that demonstrate the uniqueness of the National Capital Region and describe the Federal interest in assisting in the resolution of these concerns.
2. Set forth the definitions needed for fair and valid construction of the statute, including a specific definition of the National Capital Region that allows contiguous mutual aid beyond the current boundaries when required.
3. Specifically authorize interlocal mutual aid agreements, regardless of requirements for or limitations on indemnification, and authorize state or federal agencies to participate as well when appropriate.
4. Specifically permit the District to enter into such agreements without violating the Antideficiency Act.
5. Provide for absolute immunity for jurisdictions and employees rendering assistance, leaving to the statutory or common law of each jurisdiction to fashion agency or *respondeat superior* liability on the part of the requesting jurisdiction if such is desired as a matter of public policy.
6. Acknowledge existing mutual aid agreements and provides for future supplementary agreements.