

**2022 Updated
Master
Agreement
June 2022**



Agreement History

- MABAS was created in Chicago's northwest suburbs in the late 1960s.
- MABAS expanded beyond Illinois in 1987 – Division 101 was formed in Kenosha County, WI.
- Issues with the original agreement identified – a revised agreement was drafted and adopted by all MABAS members in the late 1980's.
- This agreement remains as the base Intergovernmental Agreement in force today.
- One amendment was added in Illinois in 2014 to address FEMA reimbursements.



The World has Changed!

- The drafters of the 1988 Agreement never envisioned MABAS growing to the size and importance it is today.
- MABAS has grown to over 2600 member departments in 6 states.
- 9-11, Terrorism, Hurricanes, Civil Unrest, Pandemic and many other threats have changed the fire service mission, and MABAS.



MAMA-C

- MABAS (Illinois) sponsored an initiative known as the Mid-America Mutual Aid Compact (MAMA-C) to draft updated legislation in MABAS states to improve legal provisions for inter-state mutual aid.
- MABAS Attorney Karl Ottosen and Michigan Special Attorney, and former State Fire Marshal, Julie Secatine spearheaded a revised agreement in 2011.
- That work was closely followed for the proposed 2022 MABAS Master Agreement.



Interstate Mutual Emergency Aid Act

- MAMA-C resulted in recommended legislation regarding interstate mutual aid.
- Legislation discusses emergency response, certifications, liability, tort immunity protections, employee benefits
- Illinois passed the Act in 2013.
- Several adjacent states have adopted similar legislation.
- Legislation requires agreements for interstate mutual aid to receive legal protections.



Call-to-Action

- MABAS Legal Counsel suggested that MABAS update the master agreement.
- Fire chiefs along state borders questioned interstate mutual aid and automatic mutual aid coverage by the Agreement.
- Legal counsel for several member units requested the agreement be updated.
- Fire department insurance carriers requested the agreement be updated.
- MABAS (Illinois) Elections & Bylaws Committee accepted the challenge to redraft the master agreement – work began in 2019.



Elections & Bylaws Committee

Co-Chairs: Don Davids, Aurora FD (ret.)
Harry Tallacksen, Blackhawk FPD (ret.)
Paul Maplethorpe, Newport FPD

Members: Jeff Macko, Cary FPD (ret.)
Jim Eggert, River Forest FD (ret.)
Robert Bradbury, Marengo FPD (ret.)
Ed St. Louis, Bourbonnais FPD (ret)
Steve Spraker, McHenry Township FPD
Bernie Lyons, MABAS Staff
Karl Ottosen, MABAS Attorney



Areas of Focus

- MABAS “Franchising”
 - Multiple State Agreement Versions
 - Differences in State Statutes
 - Individual State Governance & Combined Governance
- Disaster Response Reimbursement
- Ownership of Real Property, Apparatus & Equipment



Areas of Focus

- Daily Intrastate/Interstate Mutual Aid and Automatic Aid (Auto-Aid)
- Multi-Department Training Activities
- Definition/Limitation of Member Units
 - Federal Government & Private FDs
 - Non-Governmental Organizations
- Improved Reimbursement Language for FEMA & Disaster Responses, Spiller-Pays, Technical Rescue and similar events.
- Improved Liability & Indemnification Language

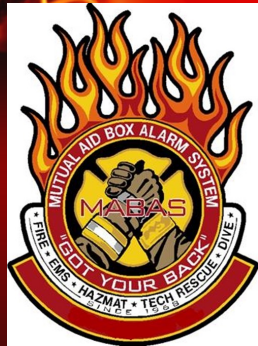


2022 Overview

- The name was changed to reflect the intent of the Agreement:

MUTUAL AID BOX ALARM SYSTEM MASTER AGREEMENT

- Governing law from the various participating states were added to the Recitals (Whereas).



2022 Overview

- SECTION ONE: Purpose
 - Intent is to adopt a single agreement, in all states, by all Member Units, without modification.
 - Permits membership by Member Units from states not specifically cited in the Recitals.
 - Includes membership by Units from Federal, State and Local governments, as well as “non-governmental organizations (NGOs) and corporations that provide emergency response functions and services that support the mission of MABAS and its members.”



2022 Overview

- SECTION TWO: Rules of Construction and Definitions
 - Provides definitions for specialized terms used throughout the Master Agreement.
 - Alignment with NIMS and Interstate Mutual Aid law.
- SECTION THREE: Authority and Action to Effect Mutual Aid
 - Authorizes the Chief Officer or designee to request and provide Mutual Aid under the agreement.
 - Permits “Aiding Unit” to determine personnel and equipment availability.



2022 Overview

- SECTION FOUR: Jurisdiction Over Personnel and Equipment
 - Similar to current MABAS Agreement,
 - Responders remain employees of the aiding department.
 - Clearly establishes that the employer of aiding unit is responsible for the wages and benefits of their employees while providing mutual aid.
 - Responders from the Aiding Unit come under the operational control of the Requesting Unit's Incident Commander.
 - Permits an Aiding Unit to withdraw from an Incident without jeopardizing incident safety.
 - Permits Aiding Unit to determine if it is available to respond to an incident.



2022 Overview

- SECTION FIVE: Compensation for Aid
 - Cleans up language and provides for true intent of the 2014 MABAS Agreement amendment.
 - Day-to-day mutual aid remains free of charge.
 - Permits third party recovery and reimbursement under spiller pays or technical rescue recovery.
 - Permits recovery of expenses attributable to intrastate and interstate mutual aid activities when activated at the state or EMAC level.
 - Permits patient billing for emergency medical services.



2022 Overview

- SECTION SIX: Insurance
 - Requires each Member Unit to maintain minimum insurance levels of \$1,000,000 automotive and \$1,000,000 general and professional liability.
- SECTION SEVEN: Liability and Indemnification
 - Drafted by MABAS Legal Counsel with assistance from numerous local government attorneys.
 - Maintains that personnel are the responsibility of the employing Member Unit.
 - Tort Immunity follows the state laws of the state where the incident occurs.
 - Mutual Indemnification and Hold-Harmless Clauses



2022 Overview

- **SECTION EIGHT: Chapters**
 - Agreement specifically authorizes the establishment of state Chapters.
 - Each state Chapter creates their own governance within the framework of the Master Agreement.
 - Elects a Chapter President.
- **SECTION NINE: Council of Chapter Presidents**
 - Creates a Council of the various state Chapter Presidents.
 - Provides for coordinated implementation of the Master Agreement.
 - Illinois will be the base for the Council.



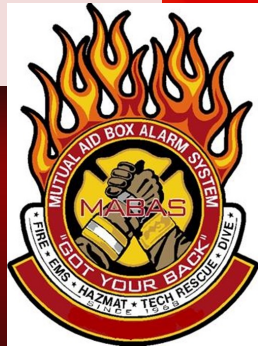
2022 Overview

- **SECTION TEN: Divisions**
 - Essentially the same as current practice.
 - Provides for the creation of Divisions in new states that will be part of an existing State Chapter until the new state stands up a new Chapter.
- **SECTION ELEVEN: Term**
 - Agreement is for successive one-year terms.
 - A Member Unit may withdraw from MABAS with 90-days notice.
 - Requires the Member Unit terminating participation to return any MABAS property in its possession.



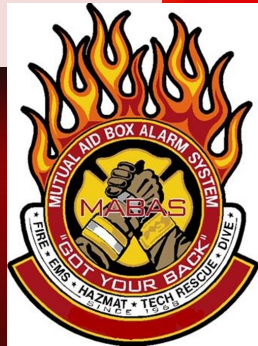
2022 Overview

- SECTION TWELVE: Miscellaneous
 - Provides for general legal and contractual language.
- SECTION THIRTEEN: Amendment
 - Establishes the process for amendments to the Master Agreement.
 - Works through Council of Presidents for review, approval and recommendation to Member Units.
 - Requires adoption by 2/3 of the governing bodies of all Member Units.



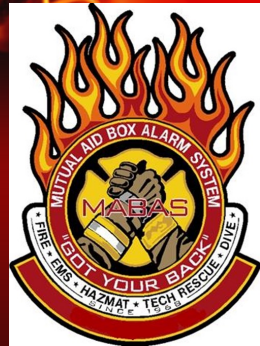
2022 Overview

- SECTION FOURTEEN: Revocation of Prior Agreements
 - This Master Agreement will replace all prior MABAS agreements.
 - Will become effective at 12:01 a.m. on January 1, 2024.
 - Any Member Unit that does not execute the new Master Agreement prior to January 1, 2024 will no longer be part of MABAS.
 - Requires Member Units that fail to execute the new Master Agreement to return MABAS assets by January 31, 2024.



2022 Overview

- SECTION FIFTEEN: Approval
 - Signature page indicating approval of the new Master Agreement by a Member Unit's governing body.
 - Document is executed in multiple originals.



Next Steps

- Interstate Review
 - MABAS (Illinois) leadership to meet with state MABAS presidents to support the new Master Agreement.
 - MABAS (Illinois) to assist neighboring states with education and adoption process.
- Adoption of new Master Agreement at the October 2022 MABAS Executive Board meeting.
- Distribution of approved Master Agreement to all MABAS member units.
- Divisions to identify local Non-Governmental Organizations for membership consideration.



Next Steps

- **Master Agreement Execution**
 - Final agreement released to existing Member Units for approval and execution.
 - MABAS provides educational sessions for fire chiefs, administrators and governing boards to explain the new Master Agreement and reasons for its creation.
 - MABAS legal counsel works with Member Unit counsel to explain legal rationale behind the agreement – and why the agreement cannot be altered.
 - Governing Board's approve the agreement by ordinance, resolution or similar official action.
 - Executed agreement with certified copy of the ordinance, resolution or authority is forwarded to the state Chapter. Illinois maintains the master list of all Member Units (parties).



Contact Information

- Election & Bylaws Committee Co-Chairs:
 - Don Davids davids@mabas-il.org
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