

**LETTER OF AGREEMENT**  
BETWEEN  
**SHERBURNE COUNTY AMATEUR RADIO EMERGENCY SERVICE (ARES)**  
AND THE  
**SHERBURNE COUNTY SHERIFF'S OFFICE**  
**DIVISION OF EMERGENCY SERVICES**

**I. INTRODUCTION**

**A. Background**

The United States Congress formally established the Amateur Radio Service in the Communications Act of 1934. Title 47, Code of Federal Regulations, Section 97.1 provides, in part. "The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:"

Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications."

Title 47, Code of Federal Regulations, Section 97.161, established the Radio Amateur Civil Emergency Service (RACES) to provide.. "...For amateur-radio operation for civil defense communications purposes only, during periods of local, regional or national civil emergencies, including any emergency which may necessitate invoking the President's War Emergency Powers..."

**B. Scope**

This Letter of Agreement (LOA) is between the Sherburne County Sheriff's Office, Emergency Services Division and the Sherburne County ARES/RACES.

**C. Purpose**

The above listed parties enter into this LOA in order to enhance communications within Sherburne County during emergencies and disasters. This LOA describes the actions that are to be taken during planning, tests, activations, deactivations and response evaluations.

The Sherburne County Emergency Services Director is designating the Sherburne County ARES as an official RACES organization, with members who are specifically trained in providing specialized emergency and disaster communications, hereafter referred to as the RACES Team.

The Sherburne County Emergency Services Director is designating the Sherburne County EOC amateur radio station an official RACES station, from where specialized emergency and disaster communications will be controlled, when activated.

**D. Operation**

This LOA becomes effective upon signature by authorized representatives for the parties. Under this LOA, identified representatives of Sherburne County are authorized to activate the volunteer communications resources of the Sherburne County ARES and RACES Team.

Sherburne County recognizes that each member of the Sherburne County ARES and RACES Team has ultimate discretion and responsibility in any given situation, to operate within the terms and conditions of that individual's operating license and within the scope of Part 97 of the FCC Rules and Regulations, and Sherburne County Emergency Services shall make no willful attempt to violate the individual's operating license.

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The Sherburne County Emergency Services also recognizes that Sherburne County ARES has similar understandings with other disaster assistance agencies and units of general and special purpose government.

### II. AUTHORITY

State of Minnesota Statutes Chap. 12  
Title 47, Code of Federal Regulations, Sect. 97.1  
Title 47, Code of Federal Regulations, Sect. 97.407

#### A. Definitions

1. "Disaster service worker" means any natural person who is registered with the State Office of Emergency Services, or with a local disaster council, any of its units, or any other place approved by the local disaster service pursuant to the Minnesota Emergency Management Act (MEMA) without pay or other consideration.
2. "Disaster service worker" includes public employees and also includes any unregistered person impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his/her duties.
3. "Communications class" is the disaster service worker class whose duties are to operate and maintain various communications systems, including wire and radio facilities, and perform messenger service, to assist officials and individuals in the protection of life and property.
4. "Registered" as it pertains to disaster service workers is defined as having on file with Sherburne County the following information:
  - i. Name of registrant
  - ii. Address of registrant
  - iii. Date enrolled
  - iv. Class of disaster service to which person is assigned
  - v. Loyalty oath or affirmation.

#### B. Description

The Sherburne County ARES is a volunteer organization of federally licensed amateur radio operators who, having passed a written examination, have demonstrated their technical and operating skills in radio communications and are licensed by the Federal Communications Commission.

The Sherburne County RACES Team is comprised of highly trained Sherburne County ARES members who have dedicated themselves to providing the specialized civil defense communications required during local, regional and national civil emergencies to include emergencies where the President has invoked the War Emergency Powers declaration.

#### C. Registration

Members of the Sherburne County ARES and RACES Team, working pursuant to this LOA, shall be registered and sworn in with Sherburne County as disaster service workers in the communications class, pursuant to Minnesota State Statutes.

1. All members shall possess a current Amateur Radio license issued by the Federal Communications Commission.

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2. All disaster service workers shall, before they enter into the duties of their employment, take and subscribe to the oath or affirmation required by Sherburne County. A copy of the oath is included in the Sherburne County ARES/RACES application package and is attached as Appendix A.
3. Nothing in this section precludes use of an unregistered person who is impressed into service during a state of war emergency, a state of emergency, or a local emergency by a person having authority to command the aid of citizens in the execution of his/ her duties. The Minnesota State Statutes likewise define a person who is impressed into such service as a disaster service worker.

### III. IDENTIFICATION

All Sherburne County ARES and RACES Team volunteers will be identified by identification badges provided by the Sherburne County ARES Emergency Coordinator.

Members may only utilize Sherburne County identification cards when activated as defined in III.

All Sherburne County RACES Team members must meet the following requirements;

- Successful completion of FEMA IS-100, IS-200 and IS-700 training.
- Registration with the Sherburne County Sheriff, Office of Emergency Services as a volunteer.
- Minimum age is sixteen; under sixteen may enroll and participate only if mentored by an adult member.
- A positive personal history and background check conducted by the Sherburne County Sheriff's Office.
- Take a loyalty oath to register as a Minnesota Disaster Service Worker (DSW) as required by law to qualify for Worker's Compensation insurance.
- Volunteers who drive on duty (including traveling to and from an assignment) must possess a current, valid Minnesota driver's license and carry auto insurance for the vehicle driven.
- Radio operators must possess a current Amateur Radio License issued by the FCC and have a record free of FCC violations.

### IV. IMPLEMENTATION PROCEDURES

#### A. Notification of Sherburne County ARES/RACES

Levels of SC-ARES/RACES activation;

- Level 1 – ARES/RACES member self-activates upon emergency / disaster situation at his/her home.
- Level 2 – ARES/RACES member is activated by Sherburne County to respond to an emergency / disaster situation located greater than 1/2 mile from member's home.

Upon notification or determination of an emergency condition or situation posing an extraordinary threat to life and/or property, and upon notification or determination that this incident is posing or will pose an unbearable strain on available communications abilities, an authorized individual of Sherburne County shall request activation of Sherburne County ARES/RACES by contacting the Sherburne County Emergency Coordinator (EC) or one of the Assistant Emergency Coordinators (AEC) as listed in the Sherburne County ARES Emergency Response Plan.

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No ARES/RACES member shall self-dispatch to an emergency / disaster scene. Members are not representing or operating pursuant to Sherburne County ARES/RACES unless properly dispatched by the Sherburne County Sheriff Office.

All ARES/RACES personnel shall respond to the Sherburne County Emergency Operations Center (EOC), located at the Sherburne County Government Center in Elk River, until adequate personnel have arrived to staff the EOC. Once the EOC is staffed, remaining ARES/RACES personnel will be redirected to other locations.

All ARES/RACES personnel must operate under the incident command system at all times when activated.

Upon cessation of the emergency condition, as determined by the Sherburne County Emergency Services Director, an authorized individual of the Sherburne County EOC will notify the Sherburne County EC, and the EC shall issue a deactivation order. Deactivation of the Sherburne County ARES/RACES will be announced.

### **B. Disaster Response Time**

The parties to this LOA recognize that Sherburne County ARES/RACES is a volunteer organization and that response times for providing communications services will vary. In a major disaster some delay in response time of more than an hour may be expected, as the volunteers have been instructed to provide first for the welfare of their families, property and work responsibilities.

### **C. Sherburne County RACES Response to a Declared Emergency**

Upon declaration of an actual emergency or disaster, activated RACES Team members will discharge their volunteer duties under the express direction and control of the Sherburne County Emergency Services Director. The Emergency Services Director may, at his discretion, delegate this RACES authority to another authorized representative of the Emergency Services Staff and the RACES volunteers will then discharge their volunteer duties pursuant to the terms of this agreement and under the express direction and control of the authorized representative of the Sherburne County Emergency Services Staff.

The content of all official communications going out of the Sherburne County EOC or any other location under the command and control of the Emergency Services Director, in a declared emergency, shall be determined expressly by the Sherburne County Sheriff, Emergency Services Director or properly delegated authority.

Upon arrival at the Sherburne County EOC, the Sherburne County RACES Team will organize and provide backup communications needs for Sherburne County, establishing radio stations at locations deemed mandatory by the Sherburne County Emergency Services Director. RACES Team members may provide communications support using amateur radio, cellular and regular phones, computers, e-mail, facsimile, Internet, microwave, public service radio (police, fire, law enforcement), satellite, television, and video-conferencing systems; as well as field and in-office support of personnel.

In order to maintain the highest possible level of staff and equipment readiness, RACES Team members are required to participate in a structured training program. The Sherburne County RACES Team supports all government services and agencies as requested, but remains, at all times, under the Sheriff's Office of Emergency Services.

## **V. TESTS**

The Sherburne County ARES and RACES Team will conduct routine tests of their communications resources and participate, to the extent possible, in Simulated Emergency Tests (SET) and special events.

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### A. Monthly

1. One test of a repeater net on an authorized Amateur Radio Frequency.
2. One test of a simplex net on an authorized Amateur Radio Frequency.

### B. Events Participation

1. Participation in the annual Sherburne County ARES Simulated Emergency Test.
2. Periodic verification of equipment through readiness exercises.

## VI. PLANNING

### A. Authorized Representatives

For purposes of cooperative disaster planning, each party shall name authorized individuals to assure that the plans are coordinated. The names of current authorized representatives shall be included as Appendix B to this LOA.

### B. The Disaster Plan

Sherburne County shall incorporate into its Disaster Plan provisions for communications services to be provided by Sherburne County ARES/RACES.

### C. Continuing Planning

Sherburne County and Sherburne County ARES/RACES shall cooperate in periodic reviews and updates to the Disaster Plan.

## VII. SUSPENSION, NOTICE AND REVIEW OF SHERBURNE COUNTY ARES/RACES MEMBERS

### A. Oral Suspension

An authorized representative of Sherburne County and/or the Sherburne County ARES/RACES can temporarily suspend, with a cause stated, the participation of an individual member of Sherburne County ARES/RACES by immediate oral notification.

### B. Written Notice

An oral, temporary suspension must be substantiated by the acting authorized representative in writing to the affected person and to all authorized parties specified in Appendix C within 72 hours.

### C. Review; Reinstatement or Termination

The authorized representatives of Sherburne County and the Sherburne County ARES/RACES must convene a joint meeting within 30 days of the oral suspension with the aggrieved parties to review and decide either the reinstatement or termination of the member. Sherburne County retains the right to refuse admittance to county owned or leased facilities and/or use of county owned equipment by the aggrieved party.

## VIII. WORKERS COMPENSATION AND LIABILITY INSURANCE COVERAGE

Sherburne County ARES/RACES members responding under Level 1 have legal liability mitigated by provisions of Minnesota Statute 604A.01 Good Samaritan Law.

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Sherburne County ARES/RACES members responding under Level 2 are covered by Sherburne County Insurance including Workers Compensation.

Sherburne County ARES/RACES members must be requested by Sherburne County, registered as activated for each incident, and registered with the Sherburne County insurance carrier to be covered by workers compensation and liability insurance.

Sherburne County ARES/RACES members must obey all laws including traffic laws and speed limits. Any member breaking a law or acting outside their assigned duties, will not be covered by workers compensation or liability insurance.

**IX. TERMINATION OF THE LETTER OF AGREEMENT**

This LOA may be amended or terminated upon written notification by either party.

**AUTHORIZED SIGNATURES OF THE AGREEING PARTIES**

\_\_\_\_\_  
Sherburne County ARES

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sherburne County Sheriff

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sherburne County Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sherburne County Emergency Svcs Dir

\_\_\_\_\_  
Date