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## **WARN TECHNICAL MEMORANDUM**

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**From:** Kevin M. Morley, AWWA  
Ray Riordan, Chair, CalWARN

**Date:** August 23, 2007

**Subject:** Model WARN Agreement Update

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The following Articles of the model mutual aid and assistance agreement for Water/Wastewater Agency Networks (WARN) have been updated based on experiences and feedback from multiple states over the past year as they moved forward in establishing a WARN program. These modifications have been prepared to correct, clarify and/or strengthen the articles originally issued in March 2006 and are being issued for your consideration. The changes **do not invalidate** any agreements that have been developed and implemented over the past year. This demonstrates the living nature of the agreement and illustrates the benefit of including Article XVII – Modification, which allows an agreement to be updated periodically as appropriate and necessary.

Prior to including any change, all modifications met the following criteria:

- Maintained the intent and focus of the original agreement;
- Maintained alignment of the agreement with the NIMS requirements; and,
- Completed a thorough review and approval by multiple legal advisors.

### **ARTICLE I. PURPOSE**

- No substantive change

### **ARTICLE II. DEFINITIONS**

- Modified member definition to include associate and non-responding.
- Added Confidential Information

### **ARTICLE III. ADMINISTRATION**

- No change

### **ARTICLE IV. PROCEDURES**

- No change

### **ARTICLE V. REQUESTS FOR ASSISTANCE**

- Language modification

### **ARTICLE VI. RESPONDING MEMBER PERSONNEL**

- Language modification

**ARTICLE VII. COST- REIMBURSEMENT**

- Language modification
- Added Records clause

**ARTICLE VIII. DISPUTES**

- Language modification

**ARTICLE IX. REQUESTING MEMBER’S DUTY TO INDEMNIFY**

**ARTICLE X. SIGNATORY INDEMNIFICATION**

- Language modification

**ARTICLE XI. WORKER’S COMPENSATION CLAIMS**

- Language modification

**ARTICLE XII. NOTICE**

- No change

**ARTICLE XIII. INSURANCE**

- Language modification

**ARTICLE XIV. CONFIDENTIAL INFORMATION**

- New Article per Article II definition

**ARTICLE XV. EFFECTIVE DATE**

- Renumbered

**ARTICLE XVI. WITHDRAWAL**

- Renumbered
- Language modification

**ARTICLE XVII. MODIFICATION**

- Renumbered

**ARTICLE XVIII. SEVERABILITY**

- New

**ARTICLE XIX. PRIOR AGREEMENTS**

- Renumbered

**ARTICLE XX. PROHIBITION ON THIRD PARTIES AND ASSIGNMENT OF RIGHTS/DUTIES**

- Renumbered

**ARTICLE XXI. INTRASTATE AND INTERSTATE MUTUAL AID AND ASSISTANCE PROGRAMS**

- Renumbered