

## **MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement (MOA) is between Yadkin County, North Carolina (hereinafter called the County) and for the North Carolina Forest Service (hereinafter called Forest Service). The purpose of the MOA is to memorialize an agreement between the County and Forest Service governing how the Forest Service will be permitted to use the Utility Terrain Vehicle (UTV) provided to the County by the U.S. Department of Homeland Security.

This MOA is intended to specify the parties' responsibilities, protocols, and liabilities governing the Forest Services' use of the UTV, attached fire fighting, and patient transport equipment. Notwithstanding any other provision of this MOA, this MOA shall in no event be interpreted to impose any financial obligation on the County, to obligate the County to refund or to compensate the Forest Service for any injury, illness, or death that occurs from the use or misuse of this equipment, or for any fees or fuel expended during the use of the equipment.

This MOA may be terminated by either party upon providing at least ten (10) days written notice to the other party. The MOA is good for one year from the date entered into by both parties and must be renewed each year there after.

### **I. COUNTY AGREES TO:**

- a. Allow the Forest Service to use the county owned John Deere Gator 825i UTV with the attached Kimtek Firelite Pacer Skid Unit and detachable fire pump. This equipment also includes a 3500 lb WARN winch and ATC alumenium 6' X 12' transport trailer.
- b. Deliver this equipment to the scene of operation in a condition ready to use.
- c. Complete and sign an equipment inspection form with the OIC (Officer In Charge) or their designee indicating the delivery and condition of the UTV and all perferial equipment. This will be done upon delivery and again upon receipt or pick-up of the equipment.
- d. Provide the UTV and Fire Pump with a full tank of fuel each.
- e. Pick up this unit at the compleation of use by the Forest Service and transport it back to its storage location at 116 George Street Yadkinville.

### **II. FOREST SERVICE AGREES TO:**

- a. Maintain said equipment in the condition in which it was delivered.
- b. Complete and sign an equipment inspection form with the Emergency Services Officer or their designee indicating the delivery and condition of the UTV and all perferial equipment. This will be done upon delivery and again upon receipt or pick-up of the equipment.
- c. Return the UTV and Fire Pump with a full tank of fuel each.
- d. Maintain this unit and all perferial equipment in a safe and secured location when not in actual use.
- e. Allow only Forest Service personnel 21 years of age and older, covered by department insurance to drive and operate the unit.

- f. Return the equipment at the conclusion of use to an area where it may be picked up and transported by Yadkin County Emergency Services personnel.
- g. Accept all responsibility for personal injury to include death while using this UTV and its accompanying equipment,
- h. Pay for any and all damages that occurs during the Forest Service possession of the equipment.

**III. Equipment Identification:**

- a. UTV Product Identification Number (PIN) # 1M0825GSJFM100945
- b. Fire Fighting Unit Serial # F1151031915
- c. Fire Pump Serial # SE2UL E5HCP
- d. Alumineum Trailer VIN # 5JXCZ1217FE198740

Agreed to by:

Yadkin County

By: \_\_\_\_\_

County Manager

Date 12 / 14 / 2015

Agreed to by:

North Carolina Forest Service

By: John J. Kessler + Michael R. Huffman

John J. Kessler

Date 12 / 14 / 15