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STATE OF NEW HAMPSHIRE
DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

BUSINESS ADMINISTRATION
STATE MILITARY RESERVATION
4 PEMBROKE ROAD
CONCORD, NEW HAMPSHIRE 03301-5652

David J. Mikolaities, Major General
The Adjutant General

Warren M. Perry
Deputy Adjutant General

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December 26, 2019

His Excellency, Governor Christopher T. Sununu
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

The Department of Military Affairs and Veterans Services (DMAVS) respectfully requests approval to **retroactively** enter into a Memorandum of Understanding (MOU) with the New Hampshire Civil Air Patrol (CAP) to allow for the use of DMAVS facilities by the CAP for the purpose of conducting meetings, drills and activities which are necessary for and conducive to the operations, training and support of the CAP function in the State of New Hampshire. The term of this agreement is for three (3) years and is renewable thereafter upon written mutual consent of both parties involved and approval, if required, by Governor and Council. This MOU shall be effective upon Governor and Council approval for the period of January 1, 2020 through December 31, 2022. There are no costs associated with entering into this MOU.

EXPLANATION

This request is **retroactive** due to a delay in the receipt of supporting documentation. CAP is congressionally chartered and operates as a nonprofit corporation. CAP performs services for the federal government as the official civilian auxiliary of the U.S. Air Force and for states and local communities. The CAP is an invaluable adjunct to the military and to various State agencies. The current MOU expires on December 31, 2019 and Governor and Council approval is being sought in accordance with the amended MOP 150, which took effect July 1, 2018.

Respectfully submitted,


Warren M. Perry
Deputy Adjutant General

REVISED MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF MILITARY AFFAIRS AND VETERANS SERVICES

AND

NEW HAMPSHIRE WING CIVIL AIR PATROL

PERTAINING TO

THE NON-PERMANENT USE OF NEW HAMPSHIRE DEPARTMENT OF
MILITARY AFFAIRS AND VETERANS SERVICES FACILITIES BY THE NEW
HAMPSHIRE CIVIL AIR PATROL

PREAMBLE

This revised memorandum of understanding specifies conditions, policies and procedures for the use of Department of Military Affairs and Veterans Services facilities by the New Hampshire Civil Air Patrol for the purpose of conducting meetings, drills and activities which are necessary for and conducive to the operations, training and support of the Civil Air Patrol function in the State of New Hampshire. It supersedes and replaces the revised memorandum of understanding between the Adjutant General, State of New Hampshire and the New Hampshire Civil Air Patrol dated December 31, 2016.

Given that:

- The Adjutant General of New Hampshire is in general charge and control, and regulates the use of the military facilities of the State of New Hampshire (RSA 110-B:29)

and

- The State of New Hampshire has recognized the desirability of maintaining a Civil Air Patrol function by establishing grant programs for its financial support (Chapter 64, Laws of 1987)

and

- The New Hampshire Civil Air Patrol is an invaluable adjunct to the military services and to various State agencies (32 U.S.C. Section 508)

and

- The New Hampshire Civil Air Patrol has a need for facilities at which to conduct its meetings, drills, and activities

and

- The Department of Military Affairs and Veterans Services has the ability to provide facilities for use by the New Hampshire Civil Air Patrol in those cases wherein such usage does not interfere with the Department of Military Affairs and Veterans Services or New Hampshire National Guard operations and activities

therefore

This memorandum is entered into for the mutual support of both the Department of Military Affairs and Veterans Services (in its roles of both a State of New Hampshire agency and a representative of the military services in the State of New Hampshire) and the New Hampshire Civil Air Patrol. Therefore, the Department of Military Affairs and Veterans Services agrees to allow use of its facilities by the New Hampshire Civil Air Patrol to conduct meetings, drills, and other activities at no consideration, other than those specified in this memorandum. The New Hampshire Civil Air Patrol, in turn, agrees to promote and support the purposes, missions, and operations of the various agencies of the State of New Hampshire, in general, the Department of Military Affairs and Veterans Services and the New Hampshire National Guard, in particular, in consonance with relevant regulations, directives, and guidance which govern the activities of the New Hampshire Civil Air Patrol.

TERM OF THE MEMORANDUM AND RENEWAL

The term of this Memorandum of Understanding is for three years commencing on date of signature and terminating December 31, 2022 and is renewable thereafter, upon written mutual consent of both parties and approval, if required, by Governor and Council. The initiative to review and renew this memorandum shall be the responsibility of the New Hampshire Civil Air Patrol. **This initiative shall be in the form of a written request for renewal by the Commander New Hampshire Wing Civil Air Patrol, acting through the New Hampshire Civil Air Patrol Wing Administrator,** to the Adjutant General of New Hampshire and shall be processed so as to be received at the Department of Military Affairs and Veterans Services at least 30 days prior to the automatic termination date of this memorandum.

SPECIFIC PROVISIONS

1. The Adjutant General agrees to allow the use of the Readiness Center in Concord, New Hampshire for the purpose of New Hampshire Civil Air Patrol meetings in accordance with the following provisions. Other facilities may be made available upon the mutual consent of the Department of Military Affairs and Veterans Services and the New Hampshire Civil Air Patrol:

a. The days and times agreed to for usages are as follows:

Concord Readiness Center:
(Cadet Meeting) – each Thursday of the month – 6:30 pm to 9:00 pm

b. Unless otherwise specified by the Adjutant General, the portions of the Readiness Center to which usage applies are the drill hall, one classroom and latrine facilities.

c. Access to the Readiness Center will be coordinated by an appropriate agent or officer of the New Hampshire Civil Air Patrol with the Officer-in-Charge of the Readiness

Center in the advance of each meeting. Readiness Center keys will not be issued to New Hampshire Civil Air Patrol officers or agents on a permanent or semi-permanent basis.

2. All usages of any Department of Military Affairs and Veterans Services facility by the New Hampshire Civil Air Patrol, other than those specified in paragraph 1 of these Special Provisions will be designated as “special usages.”

a. All requests for special usages will be made through the New Hampshire Civil Air Patrol Wing Administrator to the Business Administrator to the Adjutant General.

b. The Business Administrator to the Adjutant General will effect the necessary coordination and action to determine whether the request is to be approved or disapproved, and will return the determinations and coordinative information to the New Hampshire Civil Air Patrol Wing Administrator.

3. The New Hampshire Civil Air Patrol covenants to maintain good order and control during all usages of Department of Military Affairs and Veterans Services facilities and to ensure that all facilities will be cleaned and policed after each usage to the standard of cleanliness which existed prior to the usage.

4. The Department of Military Affairs and Veterans Services retains the jurisdictional prerogative to restrict and/or deny access and occupancy of any of its Departmental facilities in the event that the premises are required by the Adjutant General on an emergency basis.

5. The New Hampshire Civil Air Patrol agrees to assume full liability and responsibility and to indemnify, hold harmless and defend the State of New Hampshire and the Adjutant General against claims made as a result of any injury or other harm which may come to any person present, when such injury or harm results from, or is related to, a facility usage by the New Hampshire Civil Air Patrol.

6. The New Hampshire Civil Air Patrol agrees to assume full financial responsibility for any damage caused to Department of Military Affairs and Veterans Services, New Hampshire Civil Air Patrol, or private or public property, which results from, or is related to, a facility usage by the New Hampshire Civil Air Patrol. This is not to include wear and tear, which normally results from the use of the Readiness Center.

7. The New Hampshire Civil Air Patrol agrees to provide the Department of Military Affairs and Veterans Services with proof of having obtained comprehensive general liability insurance against all claims for injury to or death of persons, or damage to property occurring on, in, or about the facilities to be used. Such insurance must provide minimum protection in limits of not less than \$2,000,000 per accident and \$250,000 per claimant, be effected under standard form, valid, occurrence-type policies issued by insurers qualified and licensed by the New Hampshire Department of Insurance and identify both the Department of Military Affairs and Veterans Services and the New Hampshire Civil Air Patrol as insured against injury to persons and damage to property. This proof of insurance must be provided upon the execution of this memorandum and upon each renewal, thereof. The certificate of insurance provided under this provision must indicate that the term of the required insurance is for the entire term of this memorandum of understanding or the extensions thereof; or, if not, the New Hampshire Civil Air Patrol shall provide such certificates of insurance as will prove the continuity of required insurance coverage for the term of this memorandum of understanding or the extensions thereof.

8. The New Hampshire Civil Air Patrol agrees that the New Hampshire Civil Air Patrol Wing Administrator is established as the single point of contact for the processing of requests for usages of Department of Military Affairs and Veterans Services facilities.

Lesley M. Lara
NH Wing Administrator
603-271-3225
U.S. Air Force Auxiliary
llara@capnhq.gov

9. Any and all changes or modification to this agreement will be agreed to in writing by both parties prior to their being effected.

TERMINATION OF THE AGREEMENT

This agreement is terminated under the following conditions:

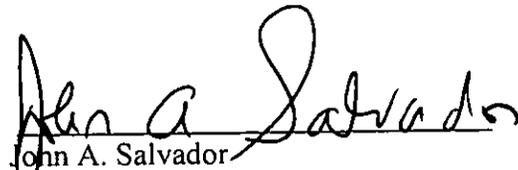
- Specific aspects of the agreement are violated.
- Upon request by the New Hampshire Civil Air Patrol.
- Upon mandate by the Adjutant General of New Hampshire.

CONFLICT RESOLUTION

The Adjutant General of New Hampshire shall be the final authority of any conflicts which may arise as a result of this memorandum and the military mission of the Department of Military Affairs and Veterans Services shall be given preference by him in resolving such disputes.

For

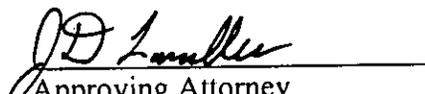
David J. Mikolaities
Major General, NHNG
The Adjutant General


John A. Salvador
Chief Operating Officer
National Headquarters, Civil Air Patrol

Date: 12/26/19

Date: 12/17/19

Approved as to Form, Substance and Execution, New Hampshire Department of Justice


Approving Attorney
Assistant Attorney General

Date: 1/6/2020

Approved by the Governor and Executive Council:

By: _____

On: _____

