

Personnel & Finance Committee
Meeting of December 18, 2023
Agenda #2, 2023 RES-168

I support the requests made by County Board Supervisors Chawla, Wegleitner, Smith, Wright and Ritt in their joint letter dated December 1, 2023.

In particular, I support the AJUA proposed modification to exclude the release of the military and indemnification by the county for any claims related to existing and future PFAS contamination caused by military use and firefighting service. There should be zero risk that Dane County could become responsible for the military's share of the pollution.

Air Force Instruction 10-1002 provides guidance for negotiating fair and reasonable charges to the Government for joint use of the flying facilities of a public airport. Compliance with the publication is mandatory.

Air Force Instruction 10-1002 provides an example joint use agreement. See Attachment 2, beginning on page 19 of:

https://static.e-publishing.af.mil/production/1/af_a3/publication/afi10-1002/afi10-1002.pdf

Interestingly, the language proposed in the AJUA addressing hazardous substance exposure or pollution (below) is not in this example. (Indemnification language is on page 25 of the above link.)

“Furthermore, the County agrees to indemnify and hold harmless the United States and the State of Wisconsin and their respective officers, agents, and employees from any liability that may arise from the use of fire-fighting foams, chemicals, or other materials by the Air Force or the State of Wisconsin or their respective officers, agents, or employees in providing fire protection services to the County, which agreement to indemnify and hold harmless includes, but is not limited to, such uses that may result in hazardous substance exposure or pollution of or contamination to air, land, water, person or property or such uses that may result in response actions under the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, or any other federal, state, or local laws.”

Please do not recommend County Board approval of the AJUA as reflected in the record (document #3, 2023 RES-168 CONTRACT #15226).

Respectfully Submitted,
Linda Lehnertz
Madison