

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 1, 2005

SUBJECT: National Incident Management System  
(NIMS)

ATTACHMENTS: NIMS Ordinance

#### SUMMARY OF REQUEST:

Pursuant to Presidential Directive 5, every State and Local government must adopt and begin implementing the standards of the National Incident Management System (NIMS) by September 30, 2005 in order to receive federal funding. In summary PD-5 requires that over the course of the Federal 06 fiscal year the County must accomplish two objectives:

1. Adopt an ordinance "institutionalizing" the National Incident Management System
2. All employees must be trained to the IS 700 level, all emergency service personnel must be trained to the ICS 200 level, and management must be trained to the ICS 300 level.

Comments were solicited from all emergency service agencies on June 28, 2005. The proposed document has been endorsed by the Town of Fletcher and the Town of Laurel Park.

#### COUNTY MANAGER'S RECOMMENDATION:

The Board should adopt the proposed ordinance pursuant to one of the following methods:

1. Adopt the ordinance on the first reading following a unanimous vote for approval.
2. Adopt the ordinance on the second reading via the consent agenda at the September 6, 2005 meeting.

**HENDERSON COUNTY**  
**NATIONAL INCIDENT MANAGEMENT SYSTEM ORDINANCE**  
**Ordinance Number \_\_\_**

The County of Henderson ordains:  
The National Incident Management System.

Section 1.Short Title

This ordinance shall be known and may be cited and referred to as "The National Incident Management System (NIMS) Ordinance for Henderson County".

Section 2.Intent and Purpose

- (1) It is the intent and purpose of this Ordinance to formally recognize the National Incident Management System (NIMS) and adopt the principles and policies of the NIMS that will insure the complete and efficient utilization of all of Henderson County's resources to combat disaster resulting from enemy actions or other disasters as defined herein.
- (2) The purpose of the National Incident Management System(NIMS)is to provide a consistent nationwide approach for Federal, State, territorial, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
- (3) The NIMS principles and policies are to be adhered to by all emergency management forces and across all functional disciplines within Henderson County to provide a comprehensive approach to incident management.
- (4) The NIMS provides a common foundation for training and other preparedness efforts; communicating and sharing information with other responders and with the public, ordering resources to assist with a response effort, and for integrating new technologies and standards to support incident management.
- (5) To institutionalize the use of the Incident Command System(ICS), outlined in Appendix A of the NIMS. The 9/11 Commission Report recommends the use of (NIMS) ICS to enhance command, control, and communications capabilities.
- (6) The Henderson County Office of Emergency Management, with guidance from the NIMS Integration Center (NIC), will be the coordinating agency for all activity in connection with NIMS,

it will be the instrument through which the Henderson County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during emergencies.

### Section 3. Definitions

- (1) The following definitions shall apply in the interpretation of this Article:
  - (a) "Coordinator" shall mean the Coordinator of the Henderson County Emergency Management Agency, appointed as prescribed in this Ordinance.
  - (b) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.
  - (c) "Emergency Management" is the basic government functions of maintaining the public peace, health and safety during an emergency. This term shall include plans and preparations for protection and relief, recovery and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, or a disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.
  - (d) "Emergency Management Forces" shall mean the employees, equipment and facilities of all County departments, boards, councils, institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies that are assigned the duties of responding to emergencies within Henderson County.
  - (e) "Incident Command System, ICS" shall mean the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in domestic incident management activities as outlined in the NIMS Document under Appendix A.
  - (f) "National Incident Management System, (NIMS)", a document produced by The

Department of Homeland Security under the direction of Presidential Directive-5 that strengthens response capabilities through a balance between flexibility and standardization, and use of common doctrine, terminology, concepts, principles, and processes.

- (g) "NIMS Integration Center (NIC)" federal agency established to provide strategic direction and oversight of the NIMS, supporting both routine maintenance and continuous refinement of the system and its components. Develops and facilitates national standards for the NIMS.

#### Section 4. Violations

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued there under.

#### Section 5. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

#### Section 6. Conflicting Ordinances, Orders Rules and Regulations Suspended

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

#### Section 7. Applicability Extension

The undersigned municipalities hereby ratify this ordinance and adopt it as their own including all forms and conditions specified herein.

#### Section 8. Effective Date

This Ordinance shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Chairman, Henderson County Board of Commissioners

---

Mayor, City of Hendersonville

---

Mayor, Town of Fletcher

---

Mayor, Town of Laurel Park

---

Mayor, Village of Flat Rock

---

Mayor, Town of Mills River