

**RESOLUTION 2005-08****RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM  
FOR THE TOWN OF BERLIN, MARYLAND**

**WHEREAS**, the President of the United States, in Homeland Security Presidential Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS) to provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

**WHEREAS**, the Governor of Maryland, in Executive Order 01.01.2005.09 adopted NIMS as the Maryland State standard for incident management and same has been adopted by the Town of Berlin, Maryland;

**WHEREAS**, in order to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the Association's ability to utilize state and federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, incident Command System components of NIMS are already an integral part of various incident management activities throughout the State and in Worcester County, including current emergency management training programs.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Berlin, Maryland that:

**A. Name, Purpose and Intent**

- a) **Name.** The regulations hereby adopted shall constitute and shall hereafter be known as the "Town of Berlin National Incident Management System Regulations" and may be cited and is hereinafter referred to as the "NIMS Regulations".
- b) **Purpose and Intent.** It is the intent of these Regulations to ensure the most efficient, consistent, and effective operations of the Town of Berlin's public safety, public works, administration, elected officials, and other staff during an emergency incident. The Town of Berlin has invested large sums of money on public safety equipment, personnel, and training, which is essential to the health, safety and welfare of all Town of Berlin residents by providing law enforcement, public works, emergency medical services, fire suppression, and other staff and departments in times of terrorist acts, hurricanes, and other natural disasters. It is the purpose of this Regulations to require, as herein provided, that all persons or entities providing services and operating during an emergency in the Town of Berlin do so in a manner that is consistent with the National Incident Management System guidelines. These operating guidelines shall be consistent with Homeland Security Presidential Directive -5, State of Maryland Executive Order 01.01.2005.09, and Resolution of Worcester County Commissioners.

- B. Scope.** These Regulations shall apply only in the unincorporated areas of the county. The provisions of these Regulations shall not apply within the corporate limits of any incorporated city or town within the county; provided that any such city or town may, by ordinance or resolution duly adopted by its governing body, adopt these Regulations as enforceable within such corporate limits and request that they be enforced therein. Upon such appropriate legislative act by such governing body and upon approval by the Mayor and Council for the Town of Berlin to enforce these Regulations within the corporate limits of the governing body, these Regulations shall be in full force and effect within the corporate limits of any municipality so adopting them.

- C. Severability.** Should any section of provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**D. Administration and enforcement**

- a) Administration and enforcement. The responsibility for the administration and enforcement of the Regulations shall be vested in such Department as designated for such purpose by the Mayor and Council of the Town of Berlin. The Department may delegate its own personnel and to other departments and their personnel such duties and responsibilities in connection with the administration and enforcement of these Regulations as are appropriate in the Department's judgement.
- b) Designated Agency. The Mayor and Council of the Town of Berlin hereby designate the Worcester County Emergency Services Department for the administration and enforcement of these Regulations.

**E. Definitions.** For the purpose of these Regulations, the following definitions describe the meaning of the terms used in these Regulations.

HSPD - Homeland Security Presidential Directive

ICS - Incident Command System

NIMS - National Incident Management System

**F. General Provisions.**

- a) Training. The Town of Berlin Human Resources Department will coordinate initial NIMS training to all employees and elected officials.
- b) Exercises. The Worcester County Department of Emergency Services will coordinate exercise, drills and other activities as necessary in cooperation with all County departments to maintain the NIMS training guidelines.
- c) Grant Distributions. Worcester County shall not distribute eligible grant funding to those departments or municipalities whose personnel are not trained or are not operating under the NIMS guidelines as directed by HSPD-5 and its subsequent guidelines.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED AND ADOPTED this 26<sup>th</sup> day of September, 2005.

*W. G. Williams III*

William G. Williams III, Vice President

*Thomas A. Cardinale*

Thomas A. Cardinale, Mayor

ATTEST:

*Linda N. Bambarly*

Linda N. Bambarly, Administrative Director