

MEMORANDUM

TO: Bowie City Council

FROM: David J. Deutsch, City Manager

CC: R. James Henrikson, Public Works Director
Robert H. Levan, Esq.

DATE: December 3, 2009

RE: Approval of Mutual Aid Debris Removal and Operations Plan - R-2-10

Attached hereto for your approval is a Mutual Aid Debris Removal and Operations Plan (the "Plan") which has been prepared to implement another phase of the National Capital Regional Mutual Aid Agreement ("NCR MAA") authorized by the Intelligence Reform and Terrorism Protection Act of 2004. The Council of Governments ("COG") NCR MAA was approved by the City pursuant to Resolution R-44-06 which, in part, authorized the City Manager to negotiate and execute specific operations plans for each of the functions and disciplines included in the Mutual Aid Agreement.

The Plan would authorize the City to participate in regional emergencies requiring extraordinary efforts in the removal and disposal of debris arising from emergencies or natural disasters. The Agreement contains extensive definitions relating to the circumstances pursuant to which the Plan would operate and sets forth an approach by which local governments could work to effectively and efficiently respond to domestic incidents "regardless of cause, size or complexity". While the program would also apply during declared emergencies, it would also apply during other circumstances which require extraordinary attention.

As with other plans developed pursuant to the NCR MAA, the Plan would defer to the City to determine how it could reasonably participate and assist with any request made for assistance. It also reserves to the City the right to terminate its participation by notice to the Requesting Member. The City would also be authorized to withdraw from the Plan on or after the thirtieth day after providing written notice to the other signatory agencies.

Since the City retains discretion over the extent and duration of its participation in connection with any emergency and the City stands to benefit from the assistance of its neighboring jurisdictions during any of the defined incidents set forth in the Plan, it would appear to be in the City's interest to provide its approval to the Plan. As with other similar plans, the City is indemnified from any claims against the City arising out of its participation in the program.

Approval of the Council is requested along with authorization to the City Manager, or the Manager's designee, to execute documents which may be required to permit the City's participation in the debris removal phase of the programs undertaken pursuant to the NCR MAA.

RESOLUTION
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND
AUTHORIZING THE APPROVAL AND EXECUTION OF A MUTUAL AID
DEBRIS REMOVAL OPERATIONS PLAN

WHEREAS, On June 5, 2006, the Bowie City Council adopted and authorized the City Manager to execute the National Capital Region Mutual Aid Agreement (“NCR MAA”) enabling the City to support member jurisdictions of the Metropolitan Washington Council of Governments (“COG”) to receive aid and assistance in time of need; and

WHEREAS, since that time the City has authorized the implementation of further agreements and plans required to implement the functions and disciplines contained in the NCR MAA; and

WHEREAS, the jurisdictions have developed a Mutual Aid Debris Removal Operations Plan (the “Plan”) designed to effectuate the provisions of the NCR MAA; and

WHEREAS, it is the intention of the Plan to ensure the fullest cooperation among public works agencies in the National Capital Region to join in responding to a state of emergency or public service event which requires public works assistance beyond the capacity of a single signatory jurisdictional agency; and

WHEREAS, it is the intent of the Plan to create and describe relationships and provide general direction and guidance to responding agencies; and

WHEREAS, the Plan is designed to reflect the definitions, procedures and directives of the National Incidence Management System (“NIMS”) as it may be amended from time to time; and

WHEREAS, the NCR MAA and the Plan contain sufficient protections governing the City's participation in the Plan and leaves with City with the authority to determine, in its discretion, the extent and duration of its participation in any of the defined events.

NOW, THEREFORE, BE IT RESOLVED by the Bowie City Council that the City Manager is authorized to approve and execute the Mutual Aid Debris Removal Operations Plan and to designate appropriate staff to implement the City's participation in the Plan as required.

INTRODUCED AND PASSED by the Council of the City of Bowie, Maryland at a meeting of the City Council on January 4, 2010.

WITNESS:

THE CITY OF BOWIE, MARYLAND

Pamela A. Fleming
City Clerk

G. Frederick Robinson, Mayor

Doc. #126668