

**CITY ORDINANCE ADOPTING  
THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)**

ORDINANCE NO. 2005-01

AN ORDINANCE ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT BY THE CITY OF INGLESIDE ON THE BAY.

WHEREAS, on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD) – 5 that directed the Department of Homeland Security, in cooperation with representatives of federal, state, and local government, to develop a National Incident Management System (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, man-made disasters or terrorism; and

WHEREAS, the final NIMS was released on March 1, 2004, and

WHEREAS, the NIMS contains a practice model for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major and national hazards situations, and

WHEREAS, the HSPD-5 requires that state and local governments adopt the NIMS by fiscal year 2005 as a pre-condition to the receipt of federal grants, contract and activities related to the management and preparedness for certain disaster and hazard situations; and

WHEREAS, the City Council for the City of Ingleside on the Bay desires to adopt the NIMS as required by HSPD-5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

Hereby adopts the National Incident Management System dated March 1, 2004.

READ AND APPROVED on first reading this the 6<sup>TH</sup> day of Sep, 2005

READ AND APPROVED AND ADOPTED on second reading this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

  
\_\_\_\_\_  
Mayor, City of Ingleside on the Bay, Texas

ATTEST:

  
\_\_\_\_\_  
City Secretary

**MEMORANDUM OF UNDERSTANDING**  
**Texas Interoperability Channel Plan (TICP)**  
**Original issue, April 1, 2005**

Texas Department of Public Safety

And

**CITY OF INGLESIDE ON THE BAY**

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(Federal Agency, State, or Local Jurisdiction, Emergency Organization)

**Purpose**

This Memorandum of Understanding (MOU) establishes permissions and guidelines for use of interoperability or mutual-aid radio channels by

- Local government jurisdictions and their associated emergency response agencies
- State agencies in Texas and their associated emergency response organizations
- Federal agency local units in Texas and their associated emergency response organizations
- Private sector emergency response organizations licensed or otherwise entitled to operate in the Public Safety Pool as defined in Part 90 of the FCC Rules (47CFR subpart B paragraphs 90.15-90.20).

It imposes certain protocols, procedures, and obligations upon jurisdictions hereby authorized to use state-licensed radio channels held by the Texas Department of Public Safety (TxDPS).

This agreement supersedes the MOU associated with the *Immediate Radio Communications Interoperability Plan (IRCIP)* of January, 2003. The IRCIP shall continue in force until this agreement is executed by the jurisdiction, or until December 31, 2005, whichever comes first.

**Authority**

Execution of this agreement by state and local entities is authorized by Texas Government Code Chapter 791 (local governments), Chapter 771 (state agencies), and Texas Government Code Chapter 411.0105 (Public Safety Radio Communications Council). This MOU satisfies Federal Communications Commission Part 90 rules for extending license privileges to others by agreement.

Federal agencies are permitted access to interoperability channels as authorized by 47 CFR 2.102 (c) & 2.103 and Part 7.12 of the NTIA Manual. Federal agencies may execute this MOU and shall adhere to the attached guidelines.

**Applicability**

This MOU authorizes the use of certain radio frequencies by emergency response organizations as defined by Department of Homeland Security (Office of Domestic Preparedness) and the Governor's Division of Emergency Management. Generally, this includes organizations in the following governmental disciplines:

**Emergency Management  
Law Enforcement  
Fire Service  
Emergency Medical Services  
Public Works / Transportation**

**Public Safety Communications  
Public Health  
Health Care  
Hazardous Materials  
Governmental Administration**

This MOU authorizes use of state-licensed frequencies for the purpose of coordination between emergency response agencies and resources. Such coordination may occur during interagency operations, en-route travel, or on-incident communications in accordance with an Incident Communications Plan.

#### **Background**

The 77<sup>th</sup> Legislature, in an effort to provide for effective emergency radio communications by state agencies, called for an Interagency Radio Work Group (IRWG) to develop a state agency communications network. That group developed a preliminary plan that was accepted by the state IRWG and the Sheriffs Association of Texas on March 27, 2001.

Subsequently, the IRWG determined that the state agency communications network should be expanded to include all public safety agencies in the state. This was accomplished by IRWG's development of the *Immediate Radio Communications Interoperability Plan (IRCIP)* of January, 2003. The IRCIP addressed radio communications interoperability between state and local jurisdictions using VHF wideband radio equipment for dispatch, en-route, and on-incident communications. Approximately 300 local government jurisdictions have accepted the IRCIP and submitted an executed Memorandum of Understanding to TxDPS.

In response to a Federal Communications Commission requirement for establishment of state/regional advisory committees, the Texas Statewide Interoperability Executive Committee (TSIEC) was formally established as an advisory committee to TxDPS.

The *Texas Interoperability Channel Plan*, developed by TSIEC and included in this MOU, provides essential guidance for interoperable radio communications using VHF, UHF, 700 MHz, and 800 MHz radio equipment for interagency coordination, en-route travel, or on-incident communications.

#### **Understandings**

##### Texas Department of Public Safety will:

- Manage and maintain proper licenses for the use of the interoperability frequencies identified herein.
- Manage and maintain an accurate database of federal and state agencies and local government jurisdictions that have accepted and signed this MOU.
- Issue updates and revisions to the *Texas Interoperability Channel Plan* contained herein upon request by the Texas Statewide Interoperability Executive Committee (TSIEC) and the Executive Director of the Texas Department of Public Safety.

##### Jurisdiction will:

- Participate in regional communications planning (generally arranged by regional Council of Governments) that provides for regional radio communications interoperability.
- Manage use of the interoperability frequencies by its employees, ensuring compliance with the *Texas Interoperability Channel Plan (TICP)* and federal/state/local laws, ordinances, and rules.

- Use the interoperability frequencies authorized hereby for their intended purpose of coordination between emergency response agencies and resources. Such coordination may occur during interagency operations, en-route travel, or on-incident.
- Use the interoperability frequencies for operational and en-route communications in accordance with local and regional policies and procedures.
- Use the interoperability frequencies for on-incident communications in accordance with the Incident Communications Plan established by the on-scene Incident Commander.
- Prioritize use of the interoperability frequencies:
  - Emergency or urgent operation involving imminent danger to life or property
  - Disaster or extreme emergency operation requiring extensive interoperability and inter-agency communications.
  - Special event, generally of a pre-planned nature
  - Joint training exercises
  - Inter-agency and enroute communications
- Implement radio communications procedures consistent with the National Incident Management System (NIMS) and Incident Command System (ICS) including:
  - Use "plain language" without 10-codes or agency-specific codes/jargon.
  - Use the calling protocol: "Agency-Unit #, this is Agency-Unit #", rather than "Unit # to Unit #".
    - ... Examples: "Bryan EMS 1605, this is Tyler Fire 2102" or "Incident Command, this is DPS 505"
- Ensure that mobile, portable, and temporary base radios intended for use by agency leadership (officers) are configured with the appropriate in-band interoperability frequencies as found in the TCIP. This means that, as a minimum, the interoperable frequencies would be added to the day-to-day frequencies used by that entity.
  - **Texas Law 1:** analog wideband VHF coordination channel for mobile-to-mobile use by emergency personnel on a scene or incident
  - **Texas Law 2:** analog wideband VHF calling channel for mobile-to-base use by transient or en-route emergency personnel
  - **Texas Law 3:** National analog wideband VHF channel for coordination of law enforcement activities
  - **Texas Fire 1, Texas Fire 2, Texas Fire 3,** analog wideband VHF frequencies primarily for fire service use or for use as dictated by Incident Commander on incidents
  - **Texas Medical 1,** analog wideband VHF frequency primarily for use by EMS agency personnel on incidents
  - **Texas Air 2,** analog wideband VHF frequency for air-to-ground use with state or federal aircraft only at direction of Incident Commander on incidents.
- Ensure that appropriate interoperability calling channels are monitored by communications operators at dispatch centers identified in a regional communications plan. As an example, monitoring may include, at a minimum:

- **Texas Law 2**, analog wideband VHF calling channel (this channel, formerly designated "Intercity", is implemented at most dispatch points in Texas). This channel should be used until December 31, 2007.
- **VCALL** analog narrowband VHF calling channel, implemented not later than January 1, 2008, in accordance with regional interoperability plans developed by regional Councils of Government.
- Ensure that interoperability calling channels are monitored at the Incident Command Post on major incidents requiring significant aid from agencies beyond routine local interoperability. Monitoring shall include one or more of the following:
  - **Texas Law 2**, analog wideband VHF calling channel
  - **VCALL**, analog narrowband VHF calling channel [implement by January 1, 2006]
  - **UCALL**, analog narrowband UHF calling channel [implement by January 1, 2006]
  - **7CALL**, digital narrowband P25 700 MHz calling Channel [implement by January 1, 2008]
  - **8CALL**, analog national calling channel [implement by January 1, 2006]

Incident Command Post monitoring may be implemented using cross-band repeaters, communications operator console patching, or VHF/UHF/700/800 MHz fixed or mobile gateway.

The parties mutually agree:

- Jurisdiction and TxDPS agree that their mutual interests will be furthered by continued coordination between the jurisdiction and the Texas Statewide Interoperability Executive Committee (TSIEC).
- Jurisdiction and TxDPS agree that this Memorandum of Understanding may be cancelled at any time, by written notice to the other party, or by subsequent agreements.

**TICP Incorporated into this MOU**

The attached *Texas Interoperability Channel Plan (TICP—Original Issue March 25, 2005)* is incorporated into this MOU in its entirety. The TICP may be revised by TSIEC and TxDPS from time to time, and revisions will be provided to Jurisdictions by TxDPS.

Should Jurisdiction elect to withdraw from this MOU because of TICP revisions, notice shall be given by mail to Texas Department of Public Safety, Box 4087, attn: RF Unit, Austin TX 78773-0250.