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## Memorandum

**To:** All Municipalities Participating in the Albemarle Regional Hazard Mitigation Plan

**From:** J. Scott Chase, AICP – Planning Director

**Date:** June 10, 2015

**Subject:** MANDATORY Adoption Procedures

The Albemarle Regional Hazard Mitigation Plan (HMP) has received preliminary approval from the Federal Emergency Management Agency (FEMA) stating that all jurisdictions should proceed with adoption. A digital copy of the draft Regional HMP can be accessed via the project website at

<http://albemarlereghazardmitigationplan.wikispaces.com/Plan+Sections>.

- Schedule a public hearing for your June or July meeting, if possible. Provide your elected board members with the draft plan. Once a public hearing date has been set, please forward the meeting date and time to Blair Chambers via email at [bchambers@thewootencompany.com](mailto:bchambers@thewootencompany.com). Please include in subject heading local adoption resolution with jurisdiction and date.
- Arrange to publish a public hearing advertisement in a local newspaper of your choice. The advertisement should be published at least ten days before the public hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
- Hold the public hearing at the regularly scheduled meeting of your governing body on the scheduled date. Following the public hearing, the governing body should consider adopting the plan through approval of the attached resolution. If your governing body elects to table the adoption of the plan for any reason, please contact me immediately so that we may address any problems and/or concerns.
- Forward copies of the executed adoption resolution and supporting documentation to:

The Wooten Company  
Attention Blair Chambers  
120 N. Boylan Avenue  
Raleigh, NC 27603

John J. Mello, CFM  
Hazard Mitigation Planner  
NC Dept. of Public Safety  
Div. of Emergency Management-Risk  
Management  
4218 MSC Raleigh, NC 27699-4218

This should occur immediately following the public hearing.

- Secure an affidavit of publication for the public hearing notice from the newspaper and forward the affidavit of publication to the Wooten Company (address provided above) as soon as possible following the public hearing.

You may contact Blair Chambers at 919-828-0531 if you have any questions or concerns regarding these instructions.

120 North Boylan Avenue  
Raleigh NC 27603-1423

919.828.0531  
fax 919.834.3589

HMP Directions Letter

# EXAMPLE LANGUAGE

## ADOPTION BY THE LOCAL GOVERNING BODY (COUNTY)

***Requirement § 201.6(c)(5)*** [The local hazard mitigation plan shall include] documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council).

Note: The following language is intended to serve as example only. You are strongly advised to develop statements that are tailored to your local situation and that meet your jurisdiction’s specific hazard mitigation needs. You are further advised to **consult with your jurisdiction’s legal counsel** to ensure that all state and local requirements for adoption procedures are satisfied.

### **Example Language for Mitigation Plan Update:**

## RESOLUTION OF ADOPTION

[NAME OF REGIONAL PLAN]

### HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within [COUNTY/TOWN/ETC.] are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to [specify hazards (e.g., flooding, high winds)]; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214 --- Senate Bill 300 effective July 1, 2001), states therein in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related

assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the [COUNTY/TOWN/ETC.] has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the [Board of Commissioners of County/TOWN/ETC.] to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the [Board of Commissioners of County/TOWN/ETC.] hereby:

1. Adopts the [Name of Regional Hazard Mitigation Plan] and;
2. Vests [Official, Office, or Agency] with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the [Official, Office, or Agency] to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the [Board of Commissioners of County/TOWN/ETC.] for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted on this day, \_\_\_\_\_

By: *[Signatures of Governing Body]*

Certified by: \_\_\_\_\_ SEAL : \_\_\_\_\_

Date: \_\_\_\_\_