

Chapter 22 - CIVIL EMERGENCIES

Sec. 22-A EMERGENCY SERVICES AND DISASTER AGENCY

Sec. 22-A-1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Coordinator means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended period of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot or hostile military or paramilitary action.

Disaster training exercise means a planned event designed specifically to simulate an actual disaster which will provide emergency operations training for emergency response personnel. Actual response by ESDA volunteers to local emergency situations not qualifying as disasters, as defined in this section, is considered a disaster training exercise. The performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

Emergency management means the efforts of the state and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

Emergency management agency means the agency established by Ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the state and federal governments.

Emergency operations plan means the written plan of the state and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

Emergency services means the coordination of such functions by the state and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

Illinois Emergency Management Agency or *IEMA* means the agency established by the act within the executive branch of state government responsible for coordination of the overall emergency management program of the state and with private organizations, political subdivisions and the federal government.

Mobile support team means the utilization of personnel to be dispatched by the governor, or, if he so authorizes the Director, by the Director, to supplement local political subdivisions for emergency management programs in response to disaster.

Municipality means any city, village and incorporated town.

Political subdivision means any County, city, village, incorporated town or township if the township is in a County having a population of more than 2,000,000.

Principal Executive Officer means Chairman of the County Board, supervisor of a township if the township is in a County having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to section 7 of the Emergency Interim Executive Succession Act (5 ILCS 275/7).

(Ord. No. 1993-16, § 3, 7-21-1993)

Sec. 22-A-2 Establishment; Purposes; Membership; Statutory Authority

- A. There is hereby created within the County Governmental Organization an entity known as the emergency management agency, referred to in this article as the ESDA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, the state and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.), referred to in this article as the act.
- B. The purpose of the ESDA shall be the coordination of emergency services functions which may be necessary for or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.
- C. The ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator and approved by the County Board.
- D. All emergency services functions of the ESDA shall at all times be in accordance with the provisions of the act and all rules and regulations promulgated thereunder.

(Ord. No. 1993-16, § 1, 7-21-1993)

Sec. 22-A-3 Limitations

Nothing in this article shall be construed to:

1. Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this article or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety.
2. Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster.
3. Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of armed forces of the United States or of any personnel thereof when on active duty; but state and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management.
4. Limit, modify or abridge the authority of the governor to proclaim martial law or exercise any other powers vested in him under the constitution, statutes or common law of this state, independent of or in conjunction with any provisions of this act; limit any home rule unit; or prohibit any contract or association pursuant to article VII, section 10 of the Illinois Constitution.

(Ord. No. 1993-16, § 2, 7-21-1993)

Sec. 22-A-4 Functions, Statutory Responsibilities

- A. The County shall maintain an ESDA which has jurisdiction over and serves the entire County, except as otherwise provided in the act.
- B. The County's ESDA shall not have jurisdiction within a political subdivision that has its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within the County borders.

- C. The County ESDA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency services and disaster agency in order to facilitate the cooperation and protection of that municipality with the County's ESDA in the work of disaster mitigation, preparedness, response and recovery.
- D. The Principal Executive Officer of the County shall notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the ESDA and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.
- E. The ESDA shall prepare and keep current an emergency operations plan for the County boundaries. This plan shall be submitted to the IEMA for review and approval, in accordance with 20 ILCS 3305/1 et seq.
- F. The ESDA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.
- G. The ESDA shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the state emergency operations plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under subparagraph 5 of paragraph c of section 6 of the Illinois Emergency Management Agency Act (20 ILCS 3305/6(c)(5)).
- H. The County upon advice from the ESDA may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the County may exercise the powers vested under this section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.
- I. The ESDA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purposes of benefits under the Worker's Compensation Act (820 ILCS 305/1 et seq.) or Worker's Occupational Diseases Act (820 ILCS 310/1 et seq.) only, be deemed to be employees of the state if the claimant is duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and if the claimant was participating in an actual disaster as defined in section 4 of the act (20 ILCS 3305/4) or the exercise participated in was specifically, and expressly approved by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing state volunteers as required for any political subdivision. The computation of benefits payable under either of those acts shall be based on the income commensurate with comparable state employees doing the same type of work or income from the person's regular employment, whichever is greater.
- J. Prior to conducting a disaster training exercise, the principal executive officer of the County or his designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise before it begins. During the conduct of such disaster training exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message."

(Ord. No. 1993-16, § 4, 7-21-1993)

Sec. 22-A-5 ESDA Coordinator; Office

- A. The ESDA shall have a coordinator who shall be appointed by the principal executive officer of the County in the same manner as are the heads of regular governmental departments and shall serve until removed by the principal executive officer.
- B. The ESDA Coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of that principal executive officer. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Principal Executive Officer of the County, or any person designated by the principal executive officer of the County, shall be and act as Coordinator until a new appointment is made as provided for in this article.
- C. The ESDA shall have an office and the County is authorized to designate space in a County Building, or elsewhere, as may be provided for the ESDA.

(Also reference Chapter 3, Section 3.6)

(Ord. No. 1993-16, § 5, 7-21-1993)

Sec. 22-A-6 Compensation; State Reimbursement

- A. ESDA Members who are paid employees or officers of the County, if called for training by the State Director, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not County employees or officers shall receive for such training such compensation as may be established by the County Board.
- B. The state treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the County for expenses incident to training members of the ESDA prescribed by the state Director, compensation for services and expenses of members of a mobile support team while serving outside the County in response to a call by the governor or state Director, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

(Ord. No. 1993-16, § 6, 7-21-1993)

Sec. 22-A-7 Local Disaster Declarations

- A. A local disaster may be declared only by the Principal Executive Officer of the County, or his interim emergency successor, as provided in section 7 of the Emergency Interim Executive Succession Act (5 ILCS 275/7). It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the Governing Board of the County. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.
- B. The effect of a declaration of a local disaster is to activate the emergency operations plan of the County and to authorize the furnishing of aid and assistance thereunder.

(Ord. No. 1993-16, § 7, 7-21-1993)

Sec. 22-A-8 Testing of Disaster Warning Devices

- A. The ESDA shall be allowed to test disaster warning devices including outdoor warning sirens on the first Tuesday of each month at 10:00 in the morning.
- B. The ESDA may also test disaster warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the Illinois Emergency Management Agency.

(Ord. No. 1993-16, § 8, 7-21-1993)

Sec. 22-A-9 Mutual Aid Between Political Subdivisions

- A. The ESDA Coordinator may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this state for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the state emergency operations plan and state emergency management program, and in the event of such a disaster as described in section 4 of the Illinois Emergency Management Act (20 ILCS 3305/4), it shall be the duty of the ESDA to render assistance in accordance with the provisions of such mutual aid arrangements.
- B. The ESDA Coordinator may, subject to the approval of the Director of the Illinois Emergency Management Agency, assist in the negotiation of mutual aid agreements between this and other states.

(Ord. No. 1993-16, § 9, 7-21-1993)

Sec. 22-A-10 Immunity

Neither the state, any political subdivision of the state, nor, except in cases of negligence or willful misconduct, the governor, the Director, the principal executive officer of a political subdivision, or the agents, employees or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the act or any rule or regulations promulgated pursuant to the act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with section 10 of the act (20 ILCS 3305/10), notwithstanding provisions of any other laws. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Workers' Compensation Act (820 ILCS 305/1 et seq.) or the Workers' Occupational Diseases Act (820 ILCS 310/1 et seq.), or under any pension law, and this section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

(Ord. No. 1993-16, § 10, 7-21-1993)

Sec. 22-A-11 Authority to Accept Services, Gifts, Grants, Loans

- A. Whenever the federal government or any agency or officer thereof or whenever any person shall offer to the County services, equipment, supplies, materials or funds by way of gift or grant, for purposes of emergency management, the County, acting through the principal executive officer, may accept such offer and upon such acceptance, may authorize an officer of the County to receive such services, equipment, supplies, materials or funds on behalf of the County.
- B. The County, acting through the Principal Executive Officer, shall have the authority to establish a special fund if needed to accept such gifts, grants or loans. The establishment of such a special fund shall be in accordance with all County Ordinances relating to this subject matter and the laws of the state. All services, gifts, grants or loans accepted pursuant to the section shall be subject to County auditing procedures.

(Ord. No. 1993-16, § 11, 7-21-1993)

Sec. 22-A-12 Orders, Rules and Regulations

- A. The County Board shall have the authority to promulgate orders, rules and regulations upon the advice of the ESDA Coordinator for the purpose of emergency management and in times of disaster.
- B. The ESDA shall execute and enforce such orders, rules and regulations as may be made by the governor under the authority of the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.). The ESDA shall have available for inspection at its office all orders, rules and regulations made by the governor, or under the governor's authority and which have been provided by the Illinois Emergency Management Agency.

(Ord. No. 1993-16, § 12, 7-21-1993)

Sec. 22-A-13 Utilization of Existing Agency, Facilities, Personnel

The ESDA acting through its Principal Executive Officer may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction, to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

(Ord. No. 1993-16, § 13, 7-21-1993)

Sec. 22-A-14 Oath

Every person appointed to serve in any capacity in the County ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the ESDA coordinator:

"I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time that I am affiliated with the (name of political subdivision), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

(Ord. No. 1993-16, § 14, 7-21-1993)

Sec. 22-A-15 No Private Liability

- A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.
- B. Any private person and employees and agents of such person in the performance of a contract with, and under the direction of the County under the provisions of the act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.
- C. Any private person and employees and agents of such person who renders assistance or advice at the request of the County under the act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(Ord. No. 1993-16, § 15, 7-21-1993)

Sec. 22-A-16 Prohibition of Political Activity

The ESDA established by this article shall not be employed directly or indirectly by any person for political purposes.

(Ord. No. 1993-16, § 16, 7-21-1993)