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AN ORDINANCE AMENDING TITLE 2, CHAPTER 2, OF THE ORLAND PARK VILLAGE CODE IN REGARD TO ESTABLISHMENT OF AN EMERGENCY SERVICES AND DISASTER AGENCY

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1, the Village may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities; and

WHEREAS, the Village, as a home rule municipality, has the authority under the Illinois Emergency Management Agency Act to establish an Emergency Services and Disaster Agency; and

WHEREAS, the Village has determined that the establishment of an Emergency Services and Disaster Agency in the Village is in the best interests of the Village and its residents.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

Title 2, Chapter 2, of the Orland Park Village Code is hereby amended in its entirety to provide as follows:

2-2-1: ESTABLISHMENT; PURPOSES; MEMBERSHIP; STATUTORY AUTHORITY.

- A. There is hereby created within the Village governmental organization an entity to be known as the Emergency Services and Disaster Agency, hereinafter referred to as the Orland Park 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., hereinafter “The Act.”
- B. The purpose of the Orland Park 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 Orland Park ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator and approved by the Chief of Police.
- D. All emergency services functions of the Orland Park ESDA shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.

2-2-2: LIMITATIONS.

Nothing in this Ordinance shall be construed to:

- A. Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this Ordinance or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety;
- B. 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;
- C. Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision Emergency Operations Plan shall place reliance upon the forces available for performance of functions related to emergency management;
- D. Limit, modify, or abridge the authority of the Village President or designee to proclaim martial law or exercise any other powers vested in him/her under the constitution, statutes, or Codes or Ordinances of this Village, independent of or in conjunction with any provisions of this ESDA Ordinance; limit the Village's home rule authority; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

2-2-3: DEFINITIONS.

- A. "Act" means the Illinois Emergency Management Agency Act, or IEMA.
- B. "Administrative Code 301" means Title 29, Chapter I, Subchapter C, Part 301, which establishes requirements for emergency operations plans; exercises of emergency operations plans; accreditation and certification of ESDAs; workers' compensation coverage and workers' occupational diseases coverage for volunteers; and the emergency management assistance grant program. The provisions of this Part apply to all emergency services and disaster agencies established pursuant to the Act.
- C. "Coordinator" means the staff assistant to the Village Manager with the duty of coordinating the emergency management programs of the Village.

- D. “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 periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.
- E. “Emergency Management”: means the efforts of the federal, state and local governments to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.
- F. “Emergency Services and Disaster Agency” means the agency established by the Village Code within the Village of Orland Park to coordinate the Emergency Management Program within its jurisdiction and with private organizations, other political subdivisions, the state and federal governments.
- G. “Emergency Operations Plan” means the written plan of the Village and its departments and other stakeholders describing the organization, mission, and functions of the village government and supporting services for responding to and recovering from disasters.
- H. “Emergency Services” means the coordination of such functions by the Village and other 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, direction and control, communications, warning/emergency information, public information, disaster intelligence/damage assessment, evacuation, mass care, health and medical, mortuary services, resource management and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.
- I. “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.
- J. “Mobile Support Team” means the utilization of personnel to be dispatched by the Governor, or, if he/she so authorizes the IEMA Director, to supplement local political subdivisions for emergency management programs in response to a disaster.
- K. “Municipality” means any city, village or incorporated town.
- L. “National Incident Management System (NIMS)” means emergency management in the United States is done at the local and state level. The Department of Homeland Security has standardize equipment, organizational structures, and terminology to create better

response and preparedness to large and small scale disasters across the country. The National Incident Management System is a collection of principles and methods that is utilized by local, state, federal emergency managers as well as the private sector and NGOs. NIMS aims to better improve the nation's response to emergencies. Its goal is a better system that can more efficiently allocate resources in the event of a disaster and facilitate cooperation among diverse entities and agencies.

- M. "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.
- N. "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).

2-2-4 ESDA COORDINATOR; OFFICE.

- A. The Coordinator of the Village ESDA shall be appointed by the Village Manager and shall serve until removed by same.
- 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 Village President and/or the Police Chief.
- C. The ESDA shall have an office and the Village Manager is authorized to designate space in a Village building, or elsewhere, as may be provided for the ESDA.
- D. In the event of the absence, resignation, death or inability to serve as the Coordinator, the Police Chief and/or his/her designee shall be and act as Temporary Coordinator until a new appointment is made as provided herein.

2-2-5: FUNCTIONS.

- A. The Village of Orland Park shall be within the jurisdiction of and served by the Illinois Emergency Management Agency and by an Emergency Services and Disaster Agency responsible for emergency management programs.
- B. The Village Manager, or his/her interim emergency successor, shall notify the Illinois Emergency Management Agency Region 4 Coordinator and the Cook County Emergency Management Agency of the manner in which the Village 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.

- C. The ESDA Coordinator shall prepare and keep current an Emergency Operations Plan for the ESDA geographic boundaries. It shall be submitted to the IEMA and the Cook County Emergency Management Agency for review and approval, in accordance with paragraph of Section 10 of the Act and the Administrative Code 301.
- D. The ESDA Coordinator shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency management responsibilities of all Village departments and officials and of the disaster chain of command.
- E. The ESDA Coordinator shall coordinate emergency management functions within the Village limits as are prescribed in and by the Orland Park Emergency Operations Plan under the National Incident Management System, 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 Act.
- F. The Village of Orland Park upon advice from the ESDA Coordinator and/or the Police Chief 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 Village 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 contacts, 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.

2-2-6: ORDERS, RULES AND REGULATIONS.

- A. The Village Board shall have the authority to promulgate orders, rules and regulations upon the advice of the ESDA Coordinator and/or the Police Chief 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 Village Manager or his interim emergency successor under the authority of the IEMA Act. The ESDA shall have available for inspection at its office all orders, rules and regulations made by the Village Manager or his interim emergency successor, or under the Village Manager authority and which have been provided by the Illinois Emergency Management Agency.

2-2-7: UTILIZATION OF EXISTING AGENCY, FACILITIES, AND PERSONNEL.

The ESDA acting through the Village Manager or his/her interim emergency successor may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction 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.

2-2-8: SERVICE AS MOBILE SUPPORT TEAM.

- A. All or any members of the Village ESDA organization may be designated as members of a mobile support team created by the Director of the Illinois Emergency Management Agency as provided by law.
- B. The leader of such mobile support team shall be designated by the Director of the Illinois Emergency Management Agency.
- C. Any member of a mobile support team, who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall be entitled to at least one dollar per year compensation from the State of Illinois.

2-2-9: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS.

The ESDA Coordinator may, in collaboration with other public agencies within his/her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions or municipalities 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 Orland Park Emergency Operations Plan and the Village Emergency Management Program, and in the event of such a disaster as described in Section 4 of the Act; it shall be the duty of the ESDA to render assistance in accordance with the provisions of such mutual aid arrangements.

2-2-10: EMERGENCY ACTION.

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Village ESDA to cooperate fully with the State of Illinois ESDA and with the Governor in the exercise of emergency powers as provided by law.

2-2-11: COMPENSATION.

Members of the Village ESDA who are paid employees or officers of the Village, if called for training by the State Director of the Illinois Emergency Management Agency 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 such Village employees or officers shall receive for such training time such compensation as may be established by the Village President and Board of Trustees.

2-2-12: REIMBURSEMENT BY STATE.

The Village Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State of Illinois to the Village for expenses incident to training members of the Village ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

2-2-13: PURCHASES AND EXPENDITURES.

The Board of Trustees may on recommendation of the Village Coordinator of ESDA, authorize any purchase or contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the Village Coordinator of ESDA is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the emergency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The Illinois Emergency Services and Disaster Agency Act of 1975", as amended; provided, that if the Village President is available at such time, the Coordinator shall act subject to the direction and restrictions imposed by said Village President

2-2-14: OATH.

Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the 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 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 as I am affiliated with the Village ESDA organization, 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."

2-2-15: LOCAL DISASTER EMERGENCIES.

- A. A local disaster may be declared only by the Village President, or his/her interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act (5 ILCS 275/7 et seq.). It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the

Village Board of Trustees. 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 Village Clerk.

- B. The effect of a Declaration of Disaster is to activate the Emergency Operations Plan of the Village and to authorize the furnishing of aid and assistance thereunder.

2-2-16: 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 o'clock 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.

2-2-17: IMMUNITY.

Neither the Village, any political subdivision of the Village, nor, except in cases of negligence or willful misconduct, the Village President or his/her interim emergency successor, the ESDA Coordinator, the Police Chief or any department head of the Village, or the agents, employees, volunteer or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the IEMA Act or any rule or regulations promulgated pursuant to the IEMA 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, affect the right of any person to receive benefits to which he/she would otherwise be entitled under this IEMA Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, 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.

2-2-18: AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

- A. Whenever the federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the Village, services, equipment, supplies, materials, or funds by the way of gift or grant, for purposes of emergency management, the Village, acting through the Village President or his/her interim emergency successor, may accept such offer and upon such acceptance, may authorize an officer of the Village to receive such services, equipment, supplies, materials or funds on behalf of the Village.
- B. The Village, acting through the Village President or his/her interim emergency successor, 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 Village ordinances relating to this subject matter and the laws of the State of Illinois. All services, gifts, grants or loans accepted pursuant to the Section shall be subject to Village auditing procedures (20 ILCS 3305/17).

2-2-19: PROHIBITION OF POLITICAL ACTIVITY.

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

SECTION 2:

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 5:

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.