

..Title

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 8 OF THE MUNICIPAL CODE REGARDING CIVIL EMERGENCIES AND DISASTERS

..Body

WHEREAS, the Village of Orland Park, Cook and Will Counties, Illinois (the “*Village*”) a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, in 2012, the Village by ordinance established the Emergency Services and Disaster Agency (“*ESDA*”), according to its authority pursuant to its home rule authority and the powers set forth in the Illinois Emergency Management Act, 20 ILCS 3305/1, *et seq.*; and

WHEREAS, the Village has reviewed the authority and operations of the ESDA, and has determined that the Village’s emergency preparedness and response operations would benefit from improved planning and coordination, increased training, and enhanced technology; and

WHEREAS, in order to achieve its goals related to improved emergency preparedness and response, the Village has decided to transition ESDA operations to a new agency, the Orland Park Emergency Management Agency (“*EMA*”), which will be responsible for the coordination of Village emergency management programs and perform standard emergency operations for Village departments and the Orland Fire Protection District as needed; and

WHEREAS, the Corporate Authorities desire to amend Chapter 2 of Title 8, and Chapter 7 of Title 8 of the Village of Orland Park Municipal Code (“*Village Code*”) to establish and regulate the EMA in lieu of the ESDA; and

WHEREAS, the Corporate Authorities find that it is desirable and in the best interests of the Village and its residents to approve this Ordinance.

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

SECTION 1

Recitals. The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in this Section 1.

SECTION 2

Amendment to Title 2, Chapter 2. Title 2 (“Boards and Commissions”) Chapter 2 (“Emergency Services and Disaster Agency”) shall hereby be amended as reflected and attached hereto as **EXHIBIT “A”** (additional language marked in **bold and underline** and deletions marked with ~~strikethrough~~).

SECTION 3

Amendment to Title 8, Chapter 7. Title 8 (“Police”) Chapter 7 (“Civil Emergencies and Disasters”) shall hereby be amended as reflected and attached hereto as **EXHIBIT “B”** (additional language marked in **bold and underline** and deletions marked with ~~strikethrough~~).

SECTION 4

Repeal and Saving Clause. All ordinances, resolutions, motions or other actions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5

Severability. If any part of this Ordinance is found or determined to be invalid, the invalid portion shall be stricken here from and the remainder shall be in full force and effect.

SECTION 6

Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

SECTION 7

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

EXHIBIT A

1. Amendment to Title 2, Chapter 2. That Title 2, Chapter 2, of the Village Code is hereby renamed “Emergency Management Agency.”

2. Amendment to Section 2-2-1 of the Village Code. That Title 2, Chapter 2, Section 2-2-1, entitled “Establishment; Purposes; Membership; Statutory Authority” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“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~~**Management** Agency, hereinafter referred to as the Orland Park ~~ESDA~~**EMA**. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, **and** 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~~**EMA** shall be the coordination of emergency services and 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~~**EMA** shall consist of the Coordinator and such additional members as may be selected by the Coordinator and approved by the ~~Chief of Police~~**Village Manager**.

D. All emergency services functions of the Orland Park ~~ESDA~~**EMA** shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.”

3. Amendment to Section 2-2-2 of the Village Code. That Title 2, Chapter 2, Section 2-2-2, entitled “Limitations” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“2-2-2: LIMITATIONS:

Nothing in this Ordinance shall be construed to:

* * *

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~~EMA Ordinance; limit the Village's home rule authority; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution."

4. **Amendment to Section 2-2-3 of the Village Code.** That Title 2, Chapter 2, Section 2-2-3, entitled "Definitions" of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

"2-2-3: DEFINITIONS:

* * *

B. "Administrative Code 301" means Title 29, Chapter I, Subchapter C, Part 301 **of the Illinois Administrative Code**, which establishes requirements for emergency operations plans; exercises of emergency operations plans; accreditation and certification of ~~ESDAs~~**local emergency management agencies**; workers' compensation coverage and workers' occupational diseases coverage for volunteers; and the emergency management assistance grant program. The provisions of ~~this Part~~**Administrative Code 301** apply to all ~~emergency services and disaster agencies~~**local emergency management agencies** established pursuant to the Act.

* * *

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, **or acts of domestic terrorism**.

* * *

F. "~~Emergency Services and Disaster~~**Management** 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 ~~s~~**S**tate and federal governments.

* * *

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. Amendment to Section 2-2-4 of the Village Code. That Title 2, Chapter 2, Section 2-2-4, entitled “ESDA Coordinator; Office” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

“2-2-4: ESDA~~EMA~~ COORDINATOR; OFFICE:

A. The Coordinator of the Village ~~ESDA~~EMA shall be appointed by the Village Manager and shall serve until removed by same.

B. The ~~ESDA~~EMA Coordinator shall have direct responsibility for the organization, administration, training and operation of the ~~ESDA~~EMA, subject to the direction and control of that ~~Village President~~ Manager, his/her designee, and ~~of~~ the Police Chief.

C. The ~~ESDA~~EMA shall have an office and the Village Manager is authorized to designate a space in a Village building, or elsewhere, as may be provided for the ~~ESDA~~EMA.

* * * *

6. Amendment to Section 2-2-5 of the Village Code. That Title 2, Chapter 2, Section 2-2-5, entitled “Functions” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

“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~~ the EMA responsible for emergency management programs.

B. The Village Manager, or his/her interim emergency successor, shall notify the ~~Illinois Emergency Management Agency~~ IEMA 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~~EMA and furnish additional information relating thereto as the ~~Illinois Emergency Management Agency~~ IEMA requires.

C. The ~~ESDA~~EMA Coordinator shall prepare and keep current an Emergency Operations Plan for the ~~ESDA~~EMA 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~~EMA 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~~EMA 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~~EMA 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~~EMA 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.”

7. **Amendment to Section 2-2-6 of the Village Code.** That Title 2, Chapter 2, Section 2-2-6, entitled “Orders, Rules and Regulations” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

“2-2-5: ORDERS, RULES AND REGULATIONS:

A. The Village Board shall have the authority to promulgate orders, rules and regulations upon the advice of the ~~ESDA~~EMA Coordinator and/or the Police Chief for the purpose of emergency management and in times of disaster.

B. The ~~ESDA~~EMA 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~~EMA 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~~their authority and which have been provided by the ~~Illinois Emergency Management Agency~~EMA.”

8. Amendment to Section 2-2-7 of the Village Code. That Title 2, Chapter 2, Section 2-2-7, entitled “Utilization of Existing Agency, Facilities, and Personnel” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

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

The ~~ESDA~~**EMA**, 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.”

9. Amendment to Section 2-2-8 of the Village Code. That Title 2, Chapter 2, Section 2-2-8, entitled “Service as Mobile Support Team” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

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

A. All or any members of the Village ~~ESDA organization~~**EMA** may be designated as members of a mobile support team created by the Director of the ~~Illinois Emergency Management Agency~~**IEMA** as provided by law.

B. The leader of such mobile support team shall be designated by the Director of the ~~Illinois Emergency Management Agency~~**IEMA**.

* * * ”

10. Amendment to Section 2-2-9 of the Village Code. That Title 2, Chapter 2, Section 2-2-9, entitled “Agreements with Other Political Subdivisions” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

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

The ~~ESDA~~**EMA** Coordinator may, in collaboration with other public agencies within ~~his/her~~**the** immediate vicinity **of the Village**, 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~~**EMA** to render assistance in accordance with the provisions of such mutual aid arrangements.”

11. Amendment to Section 2-2-10 of the Village Code. That Title 2, Chapter 2, Section 2-2-10, entitled “Emergency Action” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“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~~**EMA** to cooperate fully with the State of Illinois ~~ESDA~~**IEMA** and with the Governor in the exercise of emergency powers as provided by law.”

12. Amendment to Section 2-2-11 of the Village Code. That Title 2, Chapter 2, Section 2-2-11, entitled “Compensation” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“2-2-11: COMPENSATION:

Members of the Village ~~ESDA~~**EMA** 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.”

13. Amendment to Section 2-2-12 of the Village Code. That Title 2, Chapter 2, Section 2-2-12, entitled “Reimbursement by State” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“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~~**EMA** as prescribed by the ~~State Director of ESDA~~**IEMA director**, 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~~**IEMA director**, as provided by law, and any other reimbursement made by the State incident to ~~ESDA~~**EMA** activities as provided by law.”

14. Amendment to Section 2-2-13 of the Village Code. That Title 2, Chapter 2, Section 2-2-13, entitled “Purchases and Expenditures” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“2-2-13: PURCHASES AND EXPENDITURES:

The Board of Trustees may on recommendation of the ~~Village Coordinator of ESDA~~**EMA Coordinator**, 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~~**a** disaster, the ~~Village Coordinator of ESDA~~**EMA Coordinator** 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”~~**the Act**, as amended; provided, that if the Village President is available at such time, the **EMA** Coordinator shall act subject to the direction and restrictions imposed by ~~said~~**the** Village President.”

15. Amendment to Section 2-2-14 of the Village Code. That Title 2, Chapter 2, Section 2-2-14, entitled “Oath” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“2-2-14: OATH:

Every person appointed to serve in any capacity in the ~~Village ESDA organization~~**EMA** shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the **EMA** 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 as I am affiliated with the ~~Village ESDA organization~~**Orland Park EMA**, 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.’”

16. Amendment to Section 2-2-16 of the Village Code. That Title 2, Chapter 2, Section 2-2-16, entitled “Testing of Disaster Warning Devices” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~striketrough~~):

“2-2-16: TESTING OF DISASTER WARNING DEVICES:

A. The ~~ESDA~~EMA 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~~EMA 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~~EMA.”

17. Amendment to Section 2-2-17 of the Village Code. That Title 2, Chapter 2, Section 2-2-17, entitled “Immunity” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

“2-2-17: IMMUNITY:

Neither the Village, any ~~political subdivisions~~subsidiary body of the Village, nor, except in cases of negligence or willful misconduct, the Village President or his/her interim emergency successor, the ~~ESDA~~EMA 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 ~~EMA~~ Act or any rule or regulations promulgated pursuant to the ~~EMA~~ 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~~the ~~EMA~~ 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.”

18. Amendment to Section 2-2-19 of the Village Code. That Title 2, Chapter 2, Section 2-2-19, entitled “Prohibition of Political Activity” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

“2-2-19: PROHIBITION OF POLITICAL ACTIVITY:

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

EXHIBIT B

1. Amendment to Section 8-7-1 of the Village Code. That Title 8, Chapter 7, Section 8-7-1, entitled “Emergency Services and Disaster Agency” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

**“8-7-1: EMERGENCY ~~SERVICES AND DISASTER~~MANAGEMENT
AGENCY**

The Village Emergency ~~Services and Disaster~~**Management** Agency (~~ESDA~~**EMA**) shall have the powers granted by and shall act pursuant to Title 2, Chapter 1 of this Code and 20 ILCS 3305/1 et seq, the Illinois Emergency Management Act, as directed by the state of Illinois and the Governor. The ~~Village ESDA~~**EMA** shall also respond pursuant to its local emergency plan when so directed by the Village President.”