

Agenda Item # 64

DISTRIBUTION
County Board
County Administrator
Sheriff
Human Resources

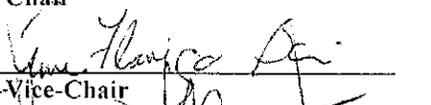
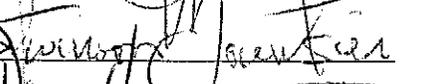
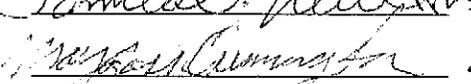
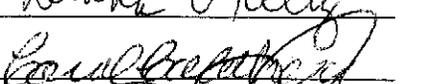
STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR SEPTEMBER, A.D., 2007 SESSION
April 10, A.D., 2007

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Law and Judicial and Financial and Administrative Committees present herewith a Joint Resolution amending the "Emergency Management Agency Ordinance of Lake County, Illinois," regarding the functional powers and duties of the Lake County Emergency Management Agency, and request its adoption.

Respectfully submitted,

	AYE	NAY		AYE	NAY
 Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	 Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	 Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Law and Judicial Committee			Financial and Administrative Committee		

RESOLUTION

WHEREAS, the County Administrator, with the support of the Sheriff, recommend that the ordinance establishing EMA be revised to accurately reflect recent changes in Emergency Preparedness activities; and

WHEREAS, the recommended amendments to the ordinance will add to the functional powers and duties of the Lake County Emergency Management Agency.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois that the Lake County Ordinance as amended on July 13, 1997, entitled EMERGENCY MANAGEMENT AGENCY ORDINANCE OF LAKE COUNTY, ILLINOIS, is hereby amended as shown in Exhibit A attached to this Resolution; and

BE IT FURTHER RESOLVED, that all prior ordinances dealing with the appointment of the Coordinator of the Lake County Emergency Services and Disaster Agency or the Lake County Emergency Management Agency are no longer in effect; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby requested to forward a certified copy of this Resolution and Ordinance to the Sheriff; the County Administrator; the Director, Lake County Department of Human Resources; and the Director, Illinois Emergency Management Agency, 110 East Adam Street, Springfield, IL 62706.

DATED, at Waukegan, Lake County, Illinois on this 10th day of April, A.D., 2007.

Enacted: December 13, 1983
Amended: November 13, 1984
February 11, 1997
July 8, 1997
April 10, 2007

EMERGENCY MANAGEMENT AGENCY

ORDINANCE OF LAKE COUNTY, ILLINOIS

Section 1. Policy and Procedures

- (a) Because of the possibility of the occurrence of disasters of significant size and destructiveness resulting from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this county will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this county and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:
 - (1) To create a county Emergency Management Agency, as required by 20 ILCS 3305/10(b);
 - (2) To confer upon the Chairman of the County Board the extraordinary power necessary to preserve the public health, peace and safety during and after a disaster.
 - (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.
- (b) It is further declared to be the purpose of this Ordinance and the policy of the county that all emergency management programs of this county be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disaster that may occur.

Section 2. Limitations

Nothing in the Ordinance shall be construed to:

- (a) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Ordinance or other laws may be taken when necessary to forestall or 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 transit 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 therefore, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (d) Limit, modify, or abridge the authority of the Chairman and the County Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any positions of this Ordinance.

Section 3. Definitions.

As used in this Ordinance, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- (a) **Coordinator** means the person assigned as Emergency Management Coordinator with the duty of carrying out the requirements of this Ordinance. The Coordinator will complete within the prescribed time all training required by the Illinois Emergency Management Agency.
- (b) **Assistant Coordinator** means the person assigned as the Assistant to the Emergency Management Coordinator. The Assistant Coordinator will complete within the prescribed time all training required by the Illinois Management Agency.
- (c) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made 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, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action. "Disaster" includes, but is not limited to, all occurrences and threats thereof which are contemplated by the concept of "emergency management operations."
- (d) **Disaster operations** means functions created in accordance with the provisions of this Ordinance to be performed by the county in cooperation with other political subdivisions to alleviate the effects of disaster.
- (e) **Emergency Management** means the efforts of this county to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.
- (f) **Emergency Operations Plan** means the written plan of the county describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

- (g) **Emergency services** means the preparation for and the carrying out of such functions, 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 disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions include, without limitation, firefighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation or persons from stricken 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 and property.
- (h) **Political subdivision** means any county, city, village, or incorporated town or township, or other taxing body.

Section 4. Lake County Emergency Management Agency

- (a) There is hereby created an Emergency Management Agency and a Coordinator of the Emergency Management Agency, herein called the "Coordinator", who shall be the head thereof. The Coordinator shall be a civilian employee possessing the professional qualifications and expertise to perform the duties of Coordinator and shall be appointed in the same manner as are the heads of regular County of Lake governmental departments.
- (b) The Lake County Emergency Management Agency shall obtain, with County Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefore as may be necessary to carry out the purpose of the Ordinance.
- (c) The Coordinator, subject to the administrative direction of the County Administrator, shall be the executive head of the Lake County Emergency Management Agency, and shall be responsible under the direction of the Chairman of the County Board for carrying out the program for emergency management operations of this county. The Coordinator shall coordinate the activities of all organizations for emergency management operations within this county and shall maintain liaison, and cooperate with the civil defense and Emergency Management Agencies and organizations of Lake County, other counties and municipalities, and the federal and state government.
- (d) In the event of the absence, resignation, death, or inability to serve by the Coordinator, the Assistant Coordinator or any persons designated by the Chairman of the County Board, shall be and act as Coordinator until new appointment is made as provided in this Ordinance. The Coordinator may be removed by the County Administrator with the advice of the County Board Chairman in the same manner as other Lake County Department Heads, pursuant to the Lake County Employee Policies and Procedures Ordinance. The Lake

- County Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.
- (e) In the development of the emergency operations plan, the Lake County Emergency Management Agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.
 - (f) The Lake County Emergency Management Agency shall:
 - (1) Determine the requirements of Lake County for food, clothing and other necessities in the event of an emergency;
 - (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
 - (3) Review and revise the local Emergency Operations Plan every other year;
 - (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
 - (5) Establish a register of government and private response resources available for use in a disaster;
 - (6) Prepare, for issuance by the Chairman of the County Board, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters;
 - (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Ordinance and in implementing programs for disaster prevention, preparation, response, and recovery;
 - (8) Initiate and coordinate planning for the establishment of an emergency operations center, and ensure the emergency operations center is maintained and ready for use immediately when needed;
 - (9) Develop, coordinate and implement a plan to annually exercise the functions of the emergency operations center;
 - (10) Do all other things necessary, incidental or appropriate for the implementation of this Ordinance.

Section 5. Emergency Management Powers of the Chairman of the County Board.

- (a) The Lake County Administrator in coordination with the Chairman of the Lake County Board shall have the general direction and control of the Emergency Management Agency, and shall be responsible for the carrying out of the provisions of this Ordinance.

- (b) In performing the duties under this Ordinance, the Chairman is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Ordinance.
- (c) In performing the duties under this Ordinance, the Chairman is further authorized:
- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Ordinance within the limits of the authority conferred upon him.
 - (2) To cause to be prepared a comprehensive plan and program for the emergency management of this county which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and of other political subdivisions, and which plan and program may include:
 - a. Prevention and minimization of injury and damage caused by disaster;
 - b. Prompt and effective response to disaster;
 - c. Emergency relief;
 - d. Identification of areas particularly vulnerable to disasters;
 - e. Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventative preparedness measures designed to eliminate or reduce disasters or their impact;
 - f. Assistance to local officials in designing local emergency operations plans;
 - g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - h. Organization of county manpower and chains of command;
 - i. Coordination of local emergency management activities;
 - j. Other necessary matters.
 - (3) In accordance with such plan and program for the emergency management of this county, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces for disaster operations.

- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this county as may be necessary to ascertain the capabilities of the county for the emergency management phases of mitigation, preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (d) The Chairman is authorized to designate space in a county building, or elsewhere for the Emergency Management Agency as its office.

Section 6. Financing

- (a) It is the intent of the County Board and declared to be the policy of the County that every effort shall be made to provide funds for disaster emergencies.
- (b) It is the County Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Chairman finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and if the Chairman finds that other sources of money to cope with the disaster are not available or are insufficient, the Chairman may issue a call for an immediate session of the County Board for the purpose of enacting ordinances as the board may deem to necessary to transfer and expend monies appropriated for other purposes, to borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Chairman is authorized to carry out those decisions until such time as a quorum of the board can convene.
- (c) Nothing contained in this section shall be construed to limit the Chairman's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, mitigation, preparedness, response or recovery.

Section 7. Local Disasters

- (a) A local disaster may be declared only by the Chairman of the County Board or the successors as described in this Ordinance. When declared by the Chairman, any disaster declaration shall not be continued for a period in excess of seven (7) days except by or with the consent of the County Board. 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 response and recovery aspects of any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- (c) During a local disaster, the Chairman may suspend the provisions of any county ordinance prescribing procedures for the conduct of county business, or the orders, rules and regulations of any county agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder

or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act", provided that, if the County Board meets at such time, the Chairman shall act subject to the directions and restrictions imposed by the body.

Section 8. Testing of Civil Defense and Disaster Warning Devices

The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning.

Section 9. Mutual Aid Arrangements Between Political Subdivisions

The Coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies of politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such a disaster as described in Section 3 of this Ordinance, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

Section 10. Communications

The Lake County Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general county and local governmental purposes. The agency shall make recommendations to the Chairman of the County Board as appropriate.

Section 11. Immunity

Neither the county, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Ordinance or any rule or regulations promulgated pursuant to this ordinance 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 would otherwise be entitled under this act, under the Worker's Compensation Act or the Worker's 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.

Section 12. Professions, Trades and Occupations

If such disaster as is described in Section 3 occurs in this county and the services of persons who are competent to practice any profession, trade or occupation are required in this

county to cope with the disaster situation and it appears that the number of persons licensed or registered in this county to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this county pursuant to the order of the head of that political subdivision and upon the request of the county, or if otherwise requested so to do by the Chairman or the Coordinator of this county, during the time the disaster condition continues, practice such profession, trade or occupation in this county without being licensed or registered in this county.

Section 13. Appropriations for Emergency Management Operations

The County Board may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision.

Section 14. Authority to Accept Services, Gifts, Grants or Loans

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation 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 Chairman or through the County Board, may accept such offer and upon such acceptance the Chairman or the County Board may authorize any officer of the county to receive such services, equipment, supplies, materials or funds on behalf of the county.

Section 15. Orders, Rules and Regulations.

- (a) The Chairman of the County Board shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Ordinance in the office of the county clerk. No such rule, regulation or order, or any amendment upon the declaration of such a disaster emergency by the Chairman as is described in Section 7, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Ordinance and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the county clerk, accompanied by a certificate stating the reason for the emergency.
- (b) The Lake County Emergency Management Agency established pursuant to this Ordinance, and the Coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The Lake County Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The Illinois Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

Section 16. Utilization of Existing Agency, Facilities and Personnel

In carrying out the provisions of this Ordinance, the Chairman and the Coordinator of the Emergency Management Agency are directed to utilize the services, equipment, supplies and

facilities of existing departments, offices and agencies of the county 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 to the Coordinator and the Emergency Management Agency.

Section 17. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 18. 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 of parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity 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, firm, or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the county under the provisions of the Ordinance, 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, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the county, 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. The immunities provided in subsection (c) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

Section 19. Succession

In the event of the death, absence from Lake County or other disability of the Chairman preventing him from acting under this Ordinance or for any other county purpose, and until the office is filled in the manner prescribed by law, the following county officials shall succeed to the duties and responsibilities of the Chairman outlined in Section 5, 6 and 7 of the Ordinance:

- (a) Vice Chairman of the County Board
- (b) Chairman of Financial and Administrative Committee

Section 20. Compensation

The County Board by its annual appropriations ordinance, may provide for the payment of the salary of the Coordinator and such other office staff and personnel as may be expressly provided for the Ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

Section 21. Emergency Management Agency Personnel Oath

Each person, whether compensated or non-compensated, who is appointed to serve in any capacity with of the Lake County Emergency Management Agency, shall, before entering upon his duties, take an oath, in writing, before the Coordinator of the Lake County Emergency Management Agency or before a person authorized to take oaths in this county, which oath shall be filed with the Coordinator of the Lake County Emergency Management Agency, and which oath shall be as delineated in ILCS 20 3305/20.