

VILLAGE OF DOWNERS GROVE
Report for the Village
5/15/2018

SUBJECT:	SUBMITTED BY:
Amendment to Chapter 9 - Office of Emergency Management	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared amending Chapter 9 of the Downers Grove Municipal Code - Office of Emergency Management.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 include *Exceptional Municipal Services and Continual Innovation*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the May 8, 2018 Village Council meeting. Staff recommends approval on the May 15, 2018 active agenda.

BACKGROUND

The ordinance has been updated to accurately reflect the role and duties of the Downers Grove Office of Emergency Management. It also clarifies the powers and duties of the Mayor and the Village Manager during a disaster or civil emergency. The proposed amendments are consistent with current State law and reflect the Village's current practice.

ATTACHMENTS

Ordinance

VILLAGE OF DOWNERS GROVE COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: May 15, 2018
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING PROVISIONS OF THE OFFICE OF EMERGENCY MANAGEMENT", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall amend provisions of the Office of Emergency Management.

RECORD OF ACTION TAKEN:

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS
OF THE OFFICE OF EMERGENCY MANAGEMENT**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. Section 9.1. is hereby renumbered to be Section 9.1ART.

9.1. Article I. In General.

NOTE: For sState law see Illinois Emergency Management Agency regarding emergency management agencies, See Ill. Comp. Stat, ch. 20, Sec. 3305/1 20 ILCS 3305/1, et seq.

Section 2. Section 9.1SEC. is hereby renumbered to be Section 9.1

9.1SEC. Office of Emergency Management (OEM)--Establishment; composition.

Pursuant to the authority granted by the Illinois Emergency Management Agency Act (the "Act"), there is hereby created an Office of Emergency Management (OEM) for the Village. The OEM shall consist of a coordinator, deputy coordinator(s), and additional members to be selected by the coordinator. (Ord. No. 912, § 1; Ord. No. 2060, §§ 1, 2, 3.)

Section 3. That Section 9.2. is hereby amended to read as follows:

9.2. Purpose.

The purpose of the OEM is to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, other hostile action or natural causes or man-made disasters. (Ord. No. 912, § 2; Ord. No. 2060, §§ 1, 8.)

Section 4. That Section 9.3. is hereby amended to read as follows:

9.3. Reserved.

Reserved.

~~Same Location of office. _____~~

~~The office space to be occupied by the OEM shall be designated by the Manager in the Village hall or elsewhere in facilities under the jurisdiction of the Village. (Ord. No. 920, § 1; Ord. No. 2060, §§ 1, 12.)~~

Section 5. That Section 9.4. is hereby amended to read as follows:

9.4. Oath.

Every person appointed to serve in any capacity in the OEM shall, before entering upon his/her duties, subscribe to an oath which shall be filed with the coordinator of the OEM. Such oath shall be ~~in~~ substantially the following form as provided for in the Act:

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_____, coordinator of OEM (or other appropriate title, if any) 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." (Ord. No. 920, § 1.)

_____, "And I do further swear (or affirm) that I do not advocate nor am I, nor have I ever been, a member of a 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 Downers Grove OEM, 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. 2060, §§ 1, 2, 7.)

Section 6. That Section 9.5. is hereby amended to read as follows:

9.5. Duties--General.

The OEM shall perform such OEM functions within the municipality as shall be prescribed in the Act and by the Illinois Emergency Management Agency (IEMA) plan and program prepared by the IEMA and such orders, rules and regulations as may be promulgated by the IEMA and Village ordinances, and as directed by the Village Manager. In addition, the OEM shall perform such duties outside the corporate limits of the Village as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or taxing district entered into as provided by the Illinois Emergency Management Agency Act or Village ordinance. (Ord. No. 912, § 4; Ord. No. 2060, §§ 1, 3, 4.)

Section 7. That Section 9.6. is hereby amended to read as follows:

9.6. Emergency.

If the gGovernor declares that a disaster emergency exists in the event of actual enemy attack upon the United States or in the event of a major disaster within the sState resulting from enemy sabotage, other hostile action or from natural causes, it shall be the duty of the OEM to cooperate fully with municipal officials, with the sState IEMA and the gGovernor in the exercise of emergency powers, as provided by law. (Ord. No. 912, § 7; Ord. No. 2060, §§ 1, 5.)

Section 8. That Section 9.7. is hereby amended to read as follows:

9.7. Coordinator and Deputy Coordinator(s)--Appointment; term; temporary appointments.

The coordinator and deputy coordinator(s) of the OEM shall be appointed by the Village Manager, and shall serve ~~for a period of one year, commencing May first of each year, or until a successor shall be appointed or until they are relieved of their duties.~~

In the event of the absence, resignation, death or inability of the coordinator or deputy coordinator(s) to serve, the Village Manager or any person designated by him shall be and act as coordinator or deputy coordinator(s) until a new appointment is made as provided in this Section. (Ord. No. 912, § 3; Ord. No. 2060, §§ 1, 2.)

Section 9. That Section 9.8. is hereby amended to read as follows:

9.8. Duties generally.

The coordinator of the OEM shall have the direct responsibility for the organization, administration, training and operation of the OEM, subject to the direction and control of the Village Manager and as provided by State law and Village ordinances~~manager as provided by statute.~~

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The deputy coordinator(s) of the OEM shall have those duties and responsibilities assigned by the coordinator. (Ord. No. 912, § 3; Ord. No. 2060, §§ 1, 2.)

Section 10. That Section 9.9. is hereby amended to read as follows:

9.9. Reserved.

~~Reserved. Same—Same—Authority to negotiate mutual aid agreements.~~

~~—The coordinator of the OEM may negotiate mutual aid agreements with other municipal corporations, political subdivisions, and taxing districts, but no such agreement shall be effective until it has been approved by each of the participating municipalities, political subdivisions or taxing districts.— (Ord. No. 912, § 6; Ord. No. 2060, §§ 1, 2, 6.)~~

Section 11. That Section 9.10. is hereby amended to read as follows:

9.10. Authority to contract and purchase in event of disaster; authorization by Village Council for same.

In the event of enemy caused or natural disaster, the coordinator is authorized on behalf of the Village, subject to the approval of the Village Manager, to procure such services, supplies, equipment or material as may be necessary for the purposes stated in this section in view of the exigency, without regard to the statutory procedures, Village ordinances or formalities normally prescribed by law pertaining to municipal contracts, purchasing procedures or obligations, as authorized by the ~~Illinois Emergency Management Agency—Act~~. However, if the Village Council meets at the time of such disaster, the coordinator's action shall be subject to the directions and restrictions imposed by the Village Council.

The Village Manager or, in his/her absence, the Acting Village Manager, may on recommendation of the coordinator of the OEM, authorize any purchase or contract necessary to place the Village in a position to effectively ~~combat~~address any disaster, to protect the public health and safety, to protect property and to provide emergency assistance to victims or employees, ~~whether such disaster results from the explosion of any nuclear or other bomb or missile or from any natural cause or man-made disasters.~~ (Ord. No. 920, § 1; Ord. No. 2060, §§ 1, 2, 3, 8, 10, 11.)

Section 12. That Section 9.11. is hereby amended to read as follows:

9.11. through 9.13. Reserved.

~~Reserved. Same—Mobile support team—Generally.~~

~~—All members of the OEM may be designated as members of a mobile support team created by the state director of IEMA. The leader of such mobile support team shall be designated by the coordinator of the OEM. Any member of a mobile support team is a municipal employee or officer while serving on call to duty by the governor or the director of IEMA and 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 municipality while so serving shall receive from the state such reasonable compensation as is or may be provided by law. (Ord. No. 912, § 5; Ord. No. 2060, §§ 1, 6.)~~

Section 13. That Section 9.12. is hereby amended to read as follows:

9.12. Reserved.

~~Same—Same—Reimbursement by state for expenses of OEM members under certain conditions.~~

~~—The Village Treasurer may receive and allocate to the appropriate funds any reimbursement by the state to the municipality for expenses incident to training members of the OEM or for compensation for services and expenses of members of a mobile support team while serving outside of the Village in response~~

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to a call by the governor or director of IEMA, as provided by law, and any reimbursement made by the state incident to OEM activities, as provided by law. (Ord. No. 912, § 9; Ord. No. 2060, §§ 1, 4, 6.)

Section 14. Section 9.13. is hereby repealed in its entirety

9.13. Reserved.

~~Same—Compensation of members called for training by the director of IEMA.~~

~~—The members of the OEM who are paid employees or officers of the Village, if called for training by the director of IEMA, shall receive for time spent in such training the same rate of pay as is attached to the position held in the Village. Members of the OEM who are no.as may be established by the Village Manager. (Ord. No. 912, § 8; Ord. No. 2060, §§ 1, 9.)~~

Section 15. That Section 9.13ART. is hereby amended to read as follows:

9.13ART. Article II. Civil Emergency

Section 16. That Section 9.14. is hereby amended to read as follows:

9.14. Short title.

Sections 9-14 through 9-21, inclusive, of this Code shall be known, and may be cited and referred to for all purposes, as the "Downers Grove Civil Emergency Ordinance" or the "Civil Emergency Ordinance." (Ord. No. 1448, § 1.)

Section 17. That Section 9.15. is hereby amended to read as follows:

9.15. Definitions.

For the purposes of this article, the following terms shall have the following respective meanings:

(a) *State of emergency.*

1. Any riot, rout, affray, or disorderly assembly or unlawful assembly by three or more persons which is determined by the mMayor pursuant to Section 9-16 to be substantially characterized by the use of actual force or violence or by a clear and present danger of the use of force and violence against persons or property in the Village or by the clear and present danger of the use of force or violence so as to interfere with the lawful and peaceable exercise of rights by persons within the Village or the lawful and peaceable use of property within the Village, or

2. aAny natural or man-made calamity within the Village, such as but not limited to flood, fire, cyclone, tornado, earthquake or explosion, or the imminent danger thereof.

(b) *Curfew.* A prohibition declared by the Mayor pursuant to the provisions of this Article against any person or persons (except officials of any governmental authority and other persons expressly authorized by a governmental authority to act with respect to a state of emergency) being upon any alley, street, public highway, parkway, sidewalk, park, playground parking lot, other open private property or open private land adjacent to any of the foregoing within the hours specified by the mMayor in the proclamation or declaration establishing such curfew.

(c) *Alcoholic liquor.* Shall have the meaning set forth in Section Chapter 3-3.

(d) *Flammable liquid.* Gasoline, kerosene, ether or any other liquid which is flammable, combustible or explosive.

(e) *Firearms and firearm ammunition.* Shall have the respective meanings set forth in the Firearm Owners Identification Card Act, 430 ILCS 65/0.01, et seq. Section 65/1.1 of Chapter 430 of the Illinois Compiled Statutes, as the same may from time to time be amended and in force. (Ord. No. 1448, § 1; Ord. No. 2766, § 3.)

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Section 18. That Section 9.17. is hereby amended to read as follows:**9.17. Publication of declaration of emergency.**

As promptly as practicable after the execution by the Mayor of any declaration of emergency pursuant to the provisions of Section 9-16, such declaration shall be filed with the Village Clerk and published as the Mayor may in his/her discretion direct, and by posting copies thereof at the following locations:

- (a) On the outside of the front door of the Village offices;
- (b) On the outside of the front door of the main Village police station;
- (c) ~~On the outside of the front door of the United States Post Office in the Village;~~
- ~~_____ (d) At such other place or places within the Village as the Mayor may in his/her discretion direct.~~

~~In addition, the Mayor may direct that copies of such declaration of emergency be delivered as soon as practicable to any newspapers published or circulated within the Village and to such radio, television and other broadcasting stations either within or without the Village as may be reasonably necessary or appropriate to effect publication of such declaration of emergency to persons within the Village as promptly as practicable.~~ Nothing contained in this section shall be a condition to any lawful arrest, prosecution or conviction of any person for a violation of any provisions of this Article, provided that the Mayor shall not have arbitrarily or capriciously failed or refused to publish a declaration of emergency in accordance with the provisions hereof. (Ord. No. 1448, § 1.)

Section 19. That Section 9.23. is hereby amended to read as follows:**9.23. Order of succession.**

(a) *Office of the Mayor.* In the event the Mayor is unavailable to exercise the powers and duties under this Chapter, the powers of the Office of Mayor shall be exercised and duties shall be discharged by the designated emergency interim successors in the order specified below:

- (1) Mayor Pro Tem
- (2) Council Members in seniority based on the number of consecutive years in current office. In the event two or more Council Members have equivalent seniority, the Mayor Pro Tem shall be the Council Member in such group who received the highest number of votes for the current office at the most recent election at which such Council Member participated.

(b) *Office of the Village Manager.* In the event the Village Manager is unavailable to exercise the powers and duties under this Chapter, the powers of the Office of the Village Manager shall be exercised and duties shall be discharged by his/her designated emergency interim successors in the order specified below:

- (1) Deputy Village Manager ~~Operations~~
- (2) ~~Deputy Village Manager Administration~~
- ~~_____ (3) Village Attorney~~
- (4) ~~Director of Financial Services~~
- (5) Police Chief
- (6) Fire Chief
- (7) Director of Public Works
- (8) ~~Director of Community Development~~
- (9) Finance ~~Director of Public Works~~

Section 20. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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Section 21. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk