

Effective date: June 16, 2008

5/1/2008

**68-O-08**

**AN ORDINANCE**

**Amending the City Code  
by Enacting a New Title 9, Chapter 10,  
"Evanston Office of Emergency Preparedness"**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That the Evanston City Code, 1979, as amended, be and hereby is further amended by enacting a new Title 9, Chapter 10, "Evanston Office of Emergency Preparedness," to read as follows:

**9-10-1: ESTABLISHMENT:**

There is hereby created the Evanston Office of Emergency Preparedness (hereafter, OEP) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with The "Illinois Emergency Management Agency Act" (hereafter the IEMA). 20 ILCS 3305/1 *et. seq.*

This OEP shall consist of the Chief Elected Official and such additional members as may be selected by the City Manager or OEP Manager.

Nothing herein shall be construed to conflict with or supersede the powers, rights and duties of the State of Illinois or the United States, but it is intended that OEP shall act in cooperation with state, federal, and local authorities where appropriate.

**9-10-2: DEFINITIONS:**

Unless the context requires otherwise, the following terms will have the meaning given. All other terms shall be interpreted consistently with federal and state statutes unless otherwise noted herein.

A. **DISASTER:** An occurrence or threat of widespread 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, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism.

B. **EMERGENCY:** Any natural or man caused situation that results in or may result in injury or harm to the population or widespread damage to or loss of property and also shall include all circumstances described in state statutes.

C. **EMERGENCY MANAGEMENT:** Includes management of emergency, public health, and disaster.

D. **PUBLIC HEALTH EMERGENCY:** The occurrence or imminent threat of an illness or health condition that:

1. Is believed to be caused by any of the following:
  - a. Bioterrorism;
  - b. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
  - c. A natural disaster;
  - d. A chemical attack or accidental release; or
  - e. A nuclear attack or accident; and
2. Poses a high probability of any of the following harms:
  - a. A large number of deaths in the affected population;
  - b. A large number of serious or long-term disabilities in the affected population; or
  - c. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

### **9-10-3: PROCLAMATION OF EMERGENCY:**

Whenever a disaster or emergency exists, the Chief Elected Official may by written proclamation declare a state of emergency after signing, under oath, a statement finding that conditions constituting a disaster or emergency exist, setting forth facts to substantiate such findings and describing the nature of the emergency. Such statement shall be filed with the City Clerk as soon as practicable.

**9-10-4: MANAGER:**

The OEP Manager shall be appointed by the Chief Elected Official or designee and shall serve until removed by same.

The OEP Manager shall have direct responsibility for the organization, administration, training, and operation of the OEP, subject to the direction and control of the City Manager as provided by statute.

The OEP Manager shall coordinate the City's involvement in the full range of activities within which domestic incident management activities occur, including awareness, prevention, preparedness, response, and recovery to emergencies, public health emergencies, disasters, and significant events as defined by the IEMA, local emergency operations plan, standard operating guidelines and procedures, and the National Response Framework.

The OEP Manager shall assist the Chief Elected Official in the exercise of emergency powers under Section 9-10-3 of this Chapter.

The OEP Manager shall consult with the Law Department in the planning and exercising of emergency powers.

In the event of the absence, resignation, death, or inability to serve as the Manager, the City Manager or any person designated by she/he, shall be and act as Manager until a new appointment is made as provided in this Chapter.

**9-10-5: NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS):**

The City will utilize NIMS in all areas where appropriate in the preparation for, and throughout the response and recovery phases of an emergency, disaster, public health emergency, or incident of national significance, through the activation of the City emergency operating center, utilization of the incident command system and emergency management plan, and deployment of appropriate resources.

**9-10-6: FUNCTIONS:**

The City Office of Emergency Preparedness shall perform such OEP functions within the City as shall be prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the IEMA, and by local ordinance and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the IEMA.

The specific functions that OEP shall perform include, but are not limited to, the following:

- A. Developing emergency management plans and standard operating procedures which outline emergency management responsibilities of City government, as well as activities which ensure coordination among and between local, county, state, and federal governments.
- B. Developing and conducting emergency management training and education programs for City employees as well as the general public.
- C. Coordinating with private relief agencies, such as the American Red Cross and Salvation Army, in the development of capabilities to ensure the provision of relief supplies and assistance to disaster victims as well as emergency management responders and their families.
- D. Developing, conducting, and evaluating emergency management exercises, designed to test the ability of the City to respond to emergencies, public health emergencies and disasters.
- E. Receiving and analyzing information regarding potential hazards, regardless of their nature, and disseminating appropriate warning information to City officials, and as appropriate, the general public.
- F. Supporting the development and issuance of media releases in preparation for, or during periods of impending or actual disaster or other emergency or public health emergency situation.
- G. Providing emergency lighting and electrical generation capability at the site of an emergency, or following the loss of power at a governmental or other critical facility as capabilities allow.
- H. Assisting law enforcement agencies in traffic and perimeter control functions.
- I. Assisting fire/rescue agencies, at an emergency, public health emergency or disaster scene, in search and rescue and victim movement activities.
- J. Enhancing the capability of the City to respond to emergency, public health emergency or disaster situations by stockpiling and the delivery of critical supplies and/or resources, *i.e.*, sandbags, pumps, etc.
- K. Establishing and maintaining a communications system, within the City's emergency operating center, and supporting the mobile operating center, capable of communicating with key City departments, as well as appropriate county, state, and federal agencies. Utilizing these systems and others as

appropriate, to manage communications resources during an emergency, public health emergency or disaster.

L. Assisting in disaster recovery efforts through active participation in the management of debris removal.

M. Assisting any City department, as requested, with services within the scope of OEP.

N. Managing and assisting in the training of the City's Medical Reserve Corps (MRC). Community Emergency Response Team (CERT) members, or any Citizen Corps programs that may be developed in the future.

**9-10-7: SERVICE AS MOBILE SUPPORT TEAM:**

All or any members of the City OEP organization may be designated as members of a mobile support team created by the Director of IEMA as provided by law.

The leader of such mobile support team shall be designated by the OEP Manager of the City OEP organization.

Any member of a mobile support team, who is a City 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 City, while so serving, shall receive from the State reasonable compensation as provided by law.

**9-10-8: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS:**

The OEP Manager may negotiate mutual aid agreements with other cities or political subdivisions of the State.

**9-10-9: 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 City OEP to cooperate fully with the IEMA and with the Governor in the exercise of emergency powers as provided by law.

**9-10-10: COMPENSATION OF MEMBERS:**

Members of the OEP who are paid employees or officers of the City, if called for training by the State Director of IEMA, 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 City employees or officers shall receive for such training time such compensation as may be established by the City Manager.

**9-10-11: REIMBURSEMENT BY STATE:**

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

**9-10-12: PURCHASES AND EXPENDITURES:**

The City Manager may, on recommendation of the OEP Manager, authorize any purchase or execution on behalf of the City contracts necessary to place the City 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 OEP Manager is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by the State IEMA, provided that if the City Council meets at such time, he shall act subject to the directions and restrictions imposed by that body.

**9-10-13: OATH:**

Every person appointed to serve in any capacity in the OEP organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Chief Elected Official:

*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 City of Evanston's Office of Emergency Preparedness, 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.*

**9-10-14: OFFICE SPACE:**

The City Manager is authorized to designate space in a City building, or elsewhere, as may be provided for by the City Manager for the City's OEP as its office.

**9-10-15: HINDERING EMERGENCY MANAGEMENT ACTIVITIES UNLAWFUL:**

No person shall willfully hinder any employee or volunteer of the OEP in the performance of his duty at an emergency, or shall willfully in any manner injure, deface or destroy any vehicle or other apparatus belonging to the OEP. Any person violating this Section shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

**9-10-16: IMMUNITY:**

Neither the City of Evanston, nor, except in cases of willful misconduct, the Chief Elected Official, the City Manager, OEP Manager, or the officers, employees, volunteers, or representatives engaged in any emergency management response or recovery activities, while complying with or attempting to comply with this Chapter 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 Chapter under the "Workers' Compensation Act" or the "Workers' Occupational Disease 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.

**9-10-17: SEVERABILITY:**

If any provision of this article or the applications thereof to any person or circumstance be held invalid, such invalidity shall not affect such other provisions or applications of this article which can be given effect without the invalid

provision or application, and to this end the provisions of this article are hereby declared to be severable.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That if any provision of this Ordinance 68-O-08 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 68-O-08 that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

**SECTION 4:** That this Ordinance 68-O-08 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: May 12, 2008

Approved:

Adopted: May 27, 2008

June 2, 2008

Edmund B. Moran, Jr.  
Edmund B. Moran, Jr., Mayor Pro Tem

Attest:

Mayre Press  
Mayre Press, Deputy City Clerk

Approved as to form:

[Signature]  
Elke Tober-Purze, Interim  
First Assistant Corporation Counsel