

Date: 07/05/05

ORDINANCE 05-40

**RELATING TO KENDALL COUNTY  
EMERGENCY MANAGEMENT AGENCY (EMA)**

WHEREAS, The County of Kendall, "County" is a body corporate and politic and empowered to make all contracts and to do all other acts necessary to exercise its corporate powers pursuant to 55ILCS 5/1-1001 et seq.; and

WHEREAS, state law "The Illinois Emergency Management Agency Act", 20 ILCS 3305/1 et seq. provides for counties to establish an Emergency Management Agency for the purpose of responding to disaster and emergency; and

WHEREAS, there is a need for the County of Kendall to cooperate with federal and state agencies, to coordinate its operations with municipalities and other local agencies, and to interface with the general public; and

WHEREAS, awareness, prevention, preparedness, response, and recovery shall be part of the management of any natural or man-made disaster or emergency event in accordance with the National Incident Management System; and

WHEREAS, it is necessary and in the best interest of the County and its citizens to create an Emergency Management Agency and to adopt a comprehensive ordinance that will reflect the foregoing:

**ARTICLE 1.**

**EMERGENCY MANAGEMENT AGENCY  
SECTIONS 1 TO 13**

**Article 1. Emergency Management Agency**

**Section 1. 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.

**"Emergency"** means any natural or man-caused situation that results in or may result in substantial injury or harm to the population or substantial damage to or loss of property and shall include all circumstances described in state statutes (20 ILCS 3305/1 et seq.)

**"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, hostile military or paramilitary action, public health emergencies, or acts of domestic terrorism.

**“Public Health Emergency”** means the occurrence or imminent threat of an illness or health condition that:

- (a) is believed to be caused by any of the following:
  - (i) bioterrorism
  - (ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin
  - (iii) a natural disaster
  - (iv) a chemical attack or accidental release; or
  - (v) a nuclear attack or accident; and
- (b) poses a high probability of any of the following harms:
  - (vi) a large number of deaths in the affected population;
  - (vii) a large number of serious or long-term disabilities in the affected population; or
  - (viii) 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.

**“Emergency Management”** includes management of emergency, public health and disaster.

## **Section 2. Establishment.**

There is hereby created the Kendall County Emergency Management Agency (EMA) to prevent, minimize, repair, and alleviate injury or damage resulting from emergency, public health emergency, or 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” (20 ILCS 3305/1 et seq.).

This EMA shall consist of the Director / Coordinator and such additional members as may be selected by the Director.

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 EMA shall act in cooperation with State, Federal, and local authorities where appropriate.

## **Section 3. Director / Coordinator**

The Director of the County EMA shall be appointed by the County Board Chairman and shall serve until removed by same.

The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the County Board Chairman as provided by statute.

The Director shall coordinate the County'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 in accordance with the National Incident Management System.

In the event of the absence, resignation, death or inability to serve as the Director, the County Board Chairman or any person designated by him, shall be and act as Director until a new appointment is made as provided in this Ordinance.

#### **Section 4. Functions.**

The County EMA shall perform such emergency management functions within the County as shall be prescribed in and by the state Emergency Management Agency's Emergency Operations Plan and programs, orders, rules, and regulations as may be promulgated by the Illinois Emergency Management Agency, and by local ordinance and, in addition shall conduct such functions outside of those territorial limits as may be required under mutual aid agreements and compacts as are entered into.

#### **Section 5. Service as Mobile Support Team.**

All or any members of the County EMA organization may be designated as members of a Mobile Support Team created by the director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the Director of the County EMA organization.

Any member of a Mobile Support Team, who is a County 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 County, while so serving, shall receive from the State reasonable compensation as provided by law.

#### **Section 6. Agreement with Other Political Subdivisions.**

The Director of EMA may negotiate and enter into on behalf of the County, Mutual Aid Agreements with other cities or political subdivisions of the State, provided such agreements are consistent with the model agreement heretofore approved by the County Board, but no such agreement shall be effective until it has been received by the County Board Chairman.

**Section 7. Emergency Action.**

If the Governor proclaims that a disaster, emergency, or public health 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 County EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.

**Section 8. Compensation.**

Members of the EMA who are paid employees or officers of the County, if called for training by the State Director of EMA, 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 County employees or officers shall receive for such training time such compensation as may be established by the County Board Chairman.

**Section 9. Reimbursement by State.**

The County Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the County for expenses incident to training the members of EMA as prescribed by the State Director of EMA, compensation for services and expenses of members of a Mobile Support Team while serving outside the County in response to a call by the Governor or State Director of EMA, as provided by law, and other reimbursement made by the State or Federal government incident to EMA activities as provided by law.

**Section 10. Purchases and Expenditures.**

The County Board may, on recommendation of the County Director of EMA, authorize any purchase or contracts necessary to place the County in a position to combat effectively any emergency, public health emergency, or disaster and to protect the public health, and safety, protect property, and provide emergency assistance to victims in the case of such emergency, public health emergency or disaster. Unless such purchases or contracts are made in the event of an emergency as provided below, they shall be subject to all state and county procedures and formalities governing procurement.

In the event of an emergency, public health emergency, or disaster, the County Director of EMA is authorized, on behalf of the County, 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 County contracts of obligations, as authorized by "The State Emergency Management Agency Act"; provided that if the County Board meets at such time the EMA Director shall act subject to the directions and restrictions imposed by that body. This authorization shall only be effective for seven (7) days, but is renewed without

further action if a declaration of emergency, public health emergency or disaster is extended pursuant to statute.

The County EMA, with the approval of the County Board, shall be responsible for applying for and accepting all appropriate Federal and State funding that relates to combating terrorism.

Further, with regards to response and operation at and around emergency, public health emergency, and disaster areas, county owned vehicles assigned to EMA are considered "authorized emergency vehicles".

#### **Section 11. Oath**

Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon his/her duties, subscribe to the following oath, which shall be filed with the Director:

"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, not 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 Kendall County Emergency Management Agency, 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 the State by force or violence."

#### **Section 12. Office**

The County Board Chairman is authorized to designate space in a County building, or elsewhere, as may be provided for by the County Board Chairman for the County EMA as its office.

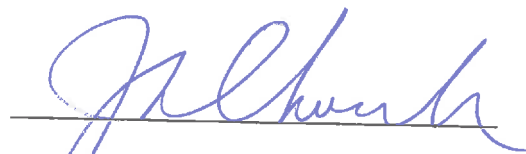
#### **Section 13. Effective Date**

This Ordinance shall be in force from and after its passage and approval, as provided by law.

NOW, THEREFORE, BE IT ORDAINED, that Ordinance #76-4, dated February 10, 1976 is hereby repealed in its entirety and that a new Article 1, in words and figures following and incorporated and made a part hereof, is hereby adopted and enacted; and

BE IT FURTHER ORDAINED that the County Clerk transmit copies of this ordinance to the Treasurer, States Attorney's Office, Sheriff's Office, Health Department, Emergency Management Agency, Illinois Emergency Management Agency, 110 E. Adams, Springfield, Illinois 62701, and County Board Office. Copies of this ordinance shall also be distributed to all Kendall County municipalities by the Emergency Management Agency.

Enacted and approved this 7<sup>th</sup> day of July, 2005 at Yorkville, Illinois.



John Church, Chairman  
Kendall County Board

ATTEST:



Paul Anderson, County Clerk

Ayes:  
No:  
Absent: