ORDINANCE NO. _____

AN ORDINANCE AMENDING AND RETITLING CHAPTER 9, EMERGENCY MANAGEMENT AGENCY OF THE CITY OF JOLIET CODE OF ORDINANCES

(Amending Chapter 9 to be consistent with state statute and updated language)

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, the Mayor and City Council recognize that the Code of Ordinances should be updated from time to time; and

WHEREAS, the Mayor and City Council recognize that the current Chapter 9 of the Code of Ordinances was enacted in 1977; and

WHEREAS*,* relevant state statutes, nomenclature, and the nature of society has changed significantly in the decades since; and

WHEREAS, the City of Joliet is a home rule unit of local government.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2*:* The Mayor and City Council find that due to the possibility of the occurrence of a local emergency or disaster of unprecedented size and impact resulting from natural, technological, or human-caused means, and in order to ensure the city is prepared to adequately respond to emergencies or disasters, secure and preserve lives and property of the people, and protect the public in an incident or event, it is necessary to establish an emergency management agency in and for the city.

SECTION 3*:* In accordance with the Illinois Emergency Management Act (20 ILCS 3305 et seq.), and in the full exercise of the home rule authority conferred by the Illinois constitution, the city council hereby establishes an emergency management agency within and as a division of the Office of the City Manager.

SECTION 4: That Chapter 9 of the Code of Ordinances shall be retitled and amended to read as follows:

Chapter 9

Emergency Management Agency

Sec 9-1 Designation as Emergency Management Agency.

The division of emergency management shall be known as the City of Joliet Emergency Management Agency and shall be designated as the local emergency management agency of the city for the purposes of the Act.

Sec 9-2 Definitions.

1. Definitions. As used in this article, the following terms are defined as follows:
    1. "Act" means the Illinois Emergency Management Act, 20 ILCS 3305, et. seq., and includes any administrative rules adopted pursuant thereto;
    2. "Agency" or "EMA" means the office of the emergency management agency;
    3. "Coordinator" means the head of the emergency management agency;
    4. "Continuity of Operations" means a coordinated effort within the city to ensure that its functional units can continue to perform their primary essential functions during a wide range of natural, technological, and human-caused incidents.
    5. "Cyber Incident" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon that affect or control infrastructure or communication networks utilized by the public.
    6. "Disaster" means an occurrence or threat of widespread or catastrophic damage, injury, loss of life, or property resulting from any natural, technological, or human-caused incident that necessitates major supplemental assistance and action.
    7. "Disaster Training Exercise" means a planned event realistically simulating a disaster, conducted for the purpose of evaluating the city's coordinated emergency management capabilities and provide emergency operations training for emergency response personnel. Actual response by Agency volunteers to local emergency situations not qualifying as disasters, as defined in this section, is considered a disaster training exercise. Provided, however, that performance of the usual and customary functions of a political subdivision (e.g. police, fire, or emergency medical services) is not included within this definition of a disaster training exercise.
    8. "Emergency" means an occurrence or threat of severe damage, injury, loss of life, or property resulting from natural, technological, or human-caused incidents that necessitates minor supplemental assistance and action.
    9. "Emergency Management" means the efforts of the city to develop, plan, analyze, conduct, provide, implement, and maintain programs for emergency and disaster preparedness, response, recovery, and mitigation.

10. “Emergency Operations Center” means the virtual or physical location at which the coordination of information, resources to support strategic (jurisdiction-wide), and resources to support tactical (on-scene) incident management activities takes place.

11. “Emergency Operations Plan” means the written plan of the city describing the organization, mission and functions of the government and supporting services for responding to and recovering from emergencies and disasters and shall take into account the needs of the whole community including but not limited to individual households, functional and access needs individuals, individuals with pets and/or service animals, schools, businesses, etc.

12. “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 emergencies or disasters caused by natural, technological, or human-caused incidents. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, hazardous materials, evacuation of persons from stricken areas, emergency assigned functions of plant production, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for carrying out the foregoing functions.

13. “Joint Information System” means the structure that integrates overarching incident information and public affairs in a cohesive organization designed to provide consistent, coordinated, accurate, accessible, timely, and complete information during emergency or disaster operations.

14. “Local Emergency Declaration” means a local emergency or instance, in determination by the mayor, which activates the emergency operations plan of the city and furnishes aid and assistance to save lives, protect public health and safety, or to lessen or avert the threat of severe damage.

15. “Local Disaster Declaration” means a local disaster causing sufficient severity and magnitude, as determined by the mayor, which activates the emergency operations plan of the city and furnishes aid and assistance to alleviate the damage, loss, hardship, or suffering caused thereby.

16. “Mayor” means (1) the mayor or (2) in the event the mayor is incapacitated or absent and thereby prevented from performing the duties of the office, the person authorized by law or ordinance to exercise the powers of the mayor, including the mayor pro team, an acting mayor, or a person designated as an interim emergency successor.

17. “National Incident Management System” (NIMS) means the comprehensive approach to domestic incident management as established by Homeland Security Presidential Directive/HSPD-5, that ensures all levels of government across the nation have the capability to work efficiently and effectively together using a national approach to

domestic incident management and provides a consistent nationwide approach to federal, state and local governments to work together to prepare for, respond to, and recover from domestic incidents regardless of the cause, size or complexity and it also provides for interoperability and compatibility among federal, state and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, and management of resources and reporting.

18. "Public Health Emergency" means an occurrence or imminent threat of an illness or health condition that:
    1. Is believed to be caused by any of the following:
        1. Bioterrorism;
        2. The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
        3. Natural disaster;
        4. A chemical attack or accidental release; or
        5. A nuclear attack or accident; and
    2. Poses a high probability of any of the following harms:
        1. A large number of deaths in the affected population;
        2. A large number of serious or long-term disabilities in the affected population; or
        3. Widespread exposure to an infectious or toxic agent that possess a significant risk of substantial future harm to a large number of people in the affected population.
19. "Statewide Mutual Aid Organization" means an entity with local government members through the state that facilitates temporary assistance through its members in a particular public safety discipline, such as police, fire, or emergency management when an occurrence exceeds a member jurisdiction's capabilities.
20. "Volunteer" means any individual, group, corporation, agency, or other entity contributing services, equipment or facilities to Agency without remuneration.

Sec 9-3 Personnel

1. The City Manager shall appoint the coordinator in the manner consistent with the appointment of the heads of the divisions within city departments.
2. The coordinator shall:

1. Manage the day-to-day operations of the agency and coordinate the emergency management program;
2. Carry into execution the functions of the agency as defined by sec. 9-4;
3. Perform the duties of the coordinator of a local emergency management agency as may be provided by the Act.

3. The coordinator shall supervise and manage such personnel as may be assigned to the agency or authorized by its annual budget.

Sec 9-4 Organization, Duties And Responsibilities

1. Emergency Operations. Upon the issuance or proclamation of local disaster declaration or emergency declaration by the mayor under Chapter 2 of this Code or as otherwise provided by law, the agency shall immediately implement the emergency operations plan.

2. Duties and Responsibilities. The Agency's duties and functions include, but are not limited to:
    1. In cooperation with, and support from all city departments, analyze threats and hazards; implementing mitigation strategies to reduce hazards and increase resilience; developing, revising, and maintaining emergency plans and procedures; and participating in training, exercising, and evaluation of programs designed to train responders, emergency workers, crisis managers, and the community;
    2. Developing, reviewing and maintaining the city's supplemental and supporting documents to the emergency operations plan as deemed appropriate and necessary by the coordinator or by state or federal regulations;
    3. Determining the resource requirements of the city for goods, services, supplies, facilities, personnel and other necessities in the event of an emergency or disaster;
    4. Preparing and maintaining an emergency resource guide with a listing of response and recovery resources and subject-matter experts with emergency management training and skills in functional areas of preparedness, response, recovery, and mitigation;
    5. Developing, conducting, or facilitating emergency management training, exercises, and education programs for city employees as well as the general public designed to enhance preparedness and test response capabilities of the city to emergencies and disasters;
    6. Establishing and maintaining a communications system within the emergency operations center capable of communicating with key officials and other local departments as well as appropriate county, state, and federal agencies and utilizing these systems and others as appropriate to manage communication resources during emergencies or disasters;

7. Receiving and analyzing information regarding potential threats or hazards, regardless of their nature, and disseminating timely and factual information to city officials and as appropriate, the general public to the maximum extent possible;
8. Facilitating agreements between city departments, local municipalities, state and federal agencies, and whole-community partners to strengthen preparedness, response, recovery, and mitigation efforts and participating during emergencies and disasters affecting the city;
9. Enhancing the capability of the city to respond to an emergency or disaster incident by maintaining a unified and coordinated operational structure and process responsible for coordinating critical resource support and continuity of operations through the emergency operations center;
10. Supporting the National Incident Management System (NIMS) and other federal frameworks, in preparation for, and throughout the response and recovery phases of an emergency, disaster, or incident of national significance, through the activation of the city emergency operations center and applicable plans;
11. Providing input and assisting in the development of emergency and disaster related ordinance(s), proclamations, or executive orders, as necessary;
12. Acting as a coordinating and support agency to coordinate the recruitment of volunteer personnel and non-profit organizations to facilitate the availability and use of volunteers needed to augment city personnel during an emergency or disaster;
13. Maintaining communication and cooperation with local municipalities, county and state governments, and any public or private agency or entity in achieving any purpose of this ordinance, and in implementing emergency management programs for preparedness, response, recovery and mitigation;
14. Supporting a joint information system for the development and issuance of media releases in preparation for, or during periods of impending or actual disaster or other emergency or disaster situation;
15. Supporting any city department by providing disaster, emergency, and non-emergency functions such as, but not limited to: traffic and crowd control, communications, severe weather spotting, ground search and rescue, and public relations/education activities;
16. Doing all things necessary or incidental within the scope of emergency management activities in the implementation of this ordinance and in support of the Illinois Emergency Operations Plan.

Sec 9-5 Service As Mobile Support Team

1. All or any members of the agency may be designated as members of a mobile support team created by the governor or director of the state emergency management agency as provided by law.
2. The leader of such mobile support team shall be designated by the director of the state emergency management agency.
3. 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.

Sec 9-6 Agreements With Other Political Subdivisions

The coordinator may negotiate mutual aid agreements with other cities or political subdivisions of the state on behalf of the city council, but no such agreement shall be effective until it has been approved by the mayor and city council.

Sec 9-7 Emergency Action

A Governor's proclamation of a disaster shall activate the State Emergency Operations Plan, and political subdivision emergency operations plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces that the plan or plans apply and for use of distribution of any services, equipment, supplies, and facilities to be made available, to the maximum extent practicable under the act or any other provision of law relating to disasters.

Sec 9-8 Reimbursement By State

The state treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for compensated expenses related to services and expense of members of a mobile support team while serving outside the city in response to a call by the governor or the director of the state emergency management agency, as provided by law, and any other reimbursement made by the state incident to emergency management agency activities as provided by law.

Sec 9-9 Purchases And Expenditures

1. The city council may authorize any purchase of contracts necessary to place the city in a position to combat effectively any emergency or disaster resulting from natural, technological or human-caused incidents to protect the public health and safety, protect the environment and property, and provide emergency or disaster assistance to victims.
2. In the event of natural, technological, or human-caused emergency or disaster, the coordinator 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 Illinois Emergency Management Act (20 ILCS 3305 et seq.), provided that if the city council meets at such time shall act subject to the directions and restrictions imposed by that body.

Sec 9-10 Oath

Every person appointed to serve in any capacity in the agency shall, before entering upon such duties subscribe to the following oath, which shall be filed with the 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 city emergency management agency organization, 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."

Sec 9-11 Office

The city manager may designate space in a city building, or elsewhere, as may be secured for such use by the city council for the agency as its office.

Sec 9-12 Training And Exercise Notification

1. Prior to conducting an emergency or disaster exercise, the coordinator shall provide the area media with written notification of the exercise. Such notification shall indicate that information relating to the exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted that all relevant media personnel are advised of the emergency or disaster training exercise before it begins.
2. During the conduct of such emergency or disaster exercise, all messages, two-way radio communications, personnel briefings, status reports, news releases, and other oral or written communications shall begin and end with a statement clearly identifying that the communication was issued pursuant to an exercise.

Sec 9-13 Testing Of Severe Weather Warning Sirens

The testing of severe weather warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at 10 o'clock in the morning or during exercises that are specifically expressly approved in advance by the Illinois Emergency Management Agency.

Sec 9-14 Authority To Accept Gifts, Grants Or Loans

1. Whenever any organization or agency thereof or whenever any person shall offer to the city services, equipment, supplies, materials, or funds by way of gift or grant for purposes of emergency management, the city manager may receive such services, equipment, materials or funds on behalf of the city.
2. The city treasurer shall make funds budgeted by the city council within the general corporate fund for emergency and disaster services purposes available to the coordinator for use in accordance with the proper purposes of the emergency management agency as established in this chapter. The city treasurer shall receive and record any donations, grants, and reimbursements made by the state or federal government or private entity to the emergency management agency of the general fund and make available for use in accordance with the intended purpose of the funds.

SECTION 5: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 6: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 8: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2024.

_____ _____

MAYOR CITY CLERK

VOTING YES: _____

VOTING NO: _____

NOT VOTING: _____