

CHAPTER 5

EMERGENCY MANAGEMENT AGENCY

5.01	Establishment
5.02	Coordinator
5.03	Mobile Support Team
5.04	Mutual Aid
5.05	Emergency Action
5.06	Compensation
5.07	Purchases and Expenditures
5.08	Oath
5.09	Office
5.10	Budget; Levy of Taxes
5.11	Local State of Emergency

5.01 ESTABLISHMENT

There is hereby created the Marengo Emergency Management Agency (“EMA”) 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 State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended. The Emergency Management Agency shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

5.02 COORDINATOR

The Coordinator of Emergency Management Agency shall be appointed by the Mayor with the advice and consent of the City Council and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Emergency Management Agency, subject to the direction and control of the Mayor and City Council as provided by statute.

In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided herein.

5.03 MOBILE SUPPORT TEAM

The Emergency Management Agency shall perform such Emergency Management Agency functions within the City as shall be prescribed in and by the state Emergency Management Agency plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, 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 in the State Emergency Management Agency 20 ILCS

3305/1 *et. seq.* as amended.

All or any members of the Emergency Management Agency organization may be designated as members of a Mobile Support Team created by the director of the state Emergency Management Agency as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the City Emergency Management Agency organization.

Any member of the 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.

5.04 **MUTUAL AID**

The Coordinator may negotiate mutual aid agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor and City Council and by the state director of Emergency Management Agency.

5.05 **EMERGENCY ACTION**

A. **STATE OR NATIONAL:** 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 Emergency Management Agency to cooperate fully with the state Emergency Management Service Agency and with the Governor in the exercise of emergency powers as provided by law.

B. **CITY:** A local disaster emergency may be declared only by the Mayor. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the City Council. Any order or proclamation shall be given prompt and general publicity and shall be filed promptly with the Clerk.

C. **EFFECT:** The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

5.06 **COMPENSATION**

A. **PAY RATE:** Members of the Emergency Management Agency who are paid employees or officers of the City, if called for training by the state director or Emergency Management Agency, 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 Mayor.

B. REIMBURSEMENT: The 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 Emergency Management Agency as prescribed by the Emergency Management Agency State Director, 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 Emergency Management Agency State Director, as provided by law, and other reimbursement made by the State incident to the Emergency Management Agency activities as provided by law.

5.07 PURCHASES AND EXPENDITURES

The Mayor and City Council may, on recommendation of the Coordinator, authorize any purchase or contract 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 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 emergency without regard to the statutory procedure or formalities normally prescribed by law pertaining to City contracts of obligations, as authorized in the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended, provided that if the Mayor meets at such time he shall act subject to the directions and restrictions imposed by that body.

5.08 OATH

Every person appointed to serve in any capacity in the Emergency Management Agency organization shall, before entering upon his 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 territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will 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 Marengo 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."

5.09 OFFICE

The Mayor and City Council are authorized to designate space in a City building, or elsewhere, as may be provided for by the Mayor, for the Emergency Management Agency as its office.

5.10 BUDGET; LEVY OF TAXES

The Mayor and City Council may budget the Emergency Management Agency for purposes in the manner provided by law, and may levy in addition for the Emergency Management Agency purposes only, a tax not to exceed five cents per \$100 of the assessed value of all taxable property in addition to all other taxes, as provided by the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended however, that amount collectable under such levy shall in no event exceed \$0.25 per capita.

5.11 LOCAL STATE OF EMERGENCY 20-03-02

Whenever an emergency, as is defined in subsection (A) of this Section 5.11 exists, or imminent emergency, the City Council may activate the Mayor's extraordinary powers, as set forth in this Section 5.11, with such limitations as the City Council deems necessary.

A. DEFINITIONS: The word Emergency, when used in this Section 5.11, shall be defined as follows, except where the context clearly indicates a different meaning: Emergency: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the City, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. DECLARATION: Whenever an emergency, as defined in Section 5.11(A) exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section 5.11. This declaration must be filed with the Clerk as soon as practicable after issuance.

C. ORDERS AUTHORIZED: After the declaration of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the Local State of Emergency:

1. All actions reasonably necessary to respond to the emergency;

2. Approve previous expenditures of the City for the purpose of continuing the Operations of the City;
3. Authorize agreements for purchases and contracts that impose a financial obligation on the City that would otherwise be required to be authorized by the City Council;
4. In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency;
5. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle; and

D. DURATION: The declaration of a Local State of Emergency herein authorized shall be effective for a period of up to thirty (30) days or until the adjournment of the next regular or special meeting of the City Council, whichever comes first, unless sooner terminated by a declaration of the Mayor, or, his or her interim emergency successor, indicating that the emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.

E. NOTICE: Upon issuing the declaration of a Local State of Emergency herein authorized, the Clerk shall notify the news media situated within the City, and shall cause at least four copies of the declaration of a Local State of Emergency to be posted at the following places within the City: the City hall, the police station and the post office.

F. VIOLATIONS: Any person violating the provisions of this Section 5.11 or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by Section 1.06 of this Code.

G. EFFECT ON OTHER ORDINANCES: Nothing contained in this Section 5.11 shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.