

Second Reading Sept. 5th



Washington Police Department

Michael D. McCoy

Chief of Police

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TO: Mayor Manier and the Washington City Council
FROM: Chief of Police Michael D. McCoy
RE: Renaming the City ESDA to Emergency Management Agency

Mayor and Aldermen,

It is my recommendation that the city's Emergency Services and Disaster Agency (ESDA) be renamed to Emergency Management Agency (EMA).

The rationale for requesting such a change is to keep with modern naming conventions. The concept of having an agency to manage large-scale emergencies goes back to the Civil Defense Agencies of the 1950s. As needs evolved, the agencies and terms describing them also evolved. The suggested change keeps with modern practice and updates statutory references from Illinois Revised Statutes to Illinois Compiled Statutes.

The full text of the suggested change is attached.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 32 OF THE
CODE OF ORDINANCES OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS, ENTITLED "DEPARTMENTS, BOARDS,
AND COMMISSIONS."**

WHEREAS, the City Code of Ordinances at Chapter 32 provides for Departments, Boards, and Commissions; and

WHEREAS, the City of Washington is a home rule government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Washington may exercise any power and perform any function relating to its government and affairs, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, in keeping with modern practice, the entities known as "Emergency Services and Disaster Agency" should now be known as "Emergency Management Agency"; and

WHEREAS, it is deemed to be in the best interest of the residents of the City that the chapter be revised.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON,
TAZEWELL COUNTY, ILLINOIS**, an Illinois home rule municipality, as follows:

Section 1. That §§32.175 through 32.185 of Chapter 32 of the Code of Ordinances under the heading title "Emergency Services and Disaster Agency (ESDA)" be, and the same hereby is, amended by deleting said §§32.175 through 32.185 and the heading title in its entirety and substituting in lieu thereof the following:

"EMERGENCY MANAGEMENT AGENCY (EMA)"

§ 32.175 ESTABLISHMENT; MEMBERSHIP

- (A) There is created the Washington 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 Illinois Emergency Management Agency Act (20 ILCS 3305/), as may be amended from time to time.

- (B) EMA shall consist of the Coordinator and such additional members as may be selected and appointed as EMA Members by the Mayor or his delegate.
- (C) Those persons appointed members will serve in their capacity as EMA members at the sole discretion of the Mayor or his delegate. The decision to remove a member from EMA membership is solely at the discretion of the Mayor or his delegate.
- (D) Any member who is removed from EMA membership must immediately without delay return to the EMA Coordinator any equipment he or she was issued including but not limited to identification cards, shoulder patches, radios and any other equipment that is the property of the EMA Unit or the City of Washington.

§ 32.176 COORDINATOR

- (A) The Coordinator of the Washington EMA shall be appointed by the Mayor with consent of the City Council and shall serve until removed by same.
- (B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Mayor or his delegate. The Mayor may delegate oversight, control and direction of EMA and the Coordinator, the appointment of members of EMA, and all other authority granted to the Mayor regarding EMA, with the exception of the appointment of the Coordinator, to the Chief of Police of the City of Washington. Any such delegation may be revoked from time to time by the Mayor, in his sole discretion. In the event of such delegation, the Coordinator shall report directly to, and be under the direction and control of the Chief of Police, until such time as the delegation is revoked.
- (C) In the event of the absence, resignation, death, or inability to serve as the Coordinator, the first, second, and third assistants to the Coordinator shall act, in that order, as Coordinator until a new appointment is made by the Mayor. Any appointment made by the Mayor shall take precedence over the Coordinator's assistants.

§ 32.177 OATH

Every person, whether compensated or non-compensated, who is appointed to serve in any capacity in the Washington EMA organization shall, before entering upon his duties, subscribe to the following oath, in writing, before the Coordinator or other person authorized to administer oaths in the state, which oath shall be filed with the Coordinator with which he shall serve and which shall be substantially as follows:

"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 (name of political subdivision), 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."

(20 ILCS 3305/20)

§ 32.178 COMPENSATION

Members of the EMA who are paid employees or officers of the city, 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 city employees or officers shall receive for such training time such compensation as may be established by the Mayor and City Council.

§ 32.179 FUNCTIONS

The Washington EMA shall perform such EMA functions within the city as shall be prescribed in and by the state EMA 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 EMA laws.

§ 32.180 SERVICE AS MOBILE SUPPORT TEAM

- (A) All or any members of the Washington EMA organization may be designated as members of a mobile support team created by the Director of the State EMA as provided by the Illinois Emergency Management Agency Act, as may be amended from time to time.
- (B) The leader of this mobile support team shall be designated by the Coordinator of the Washington EMA organization.
- (C) 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 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.

§ 32.181 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The Coordinator of EMA, *under the direction of the Mayor of his delegate*, may negotiate mutual aid agreements with other cities 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 EMA.

§ 32.182 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 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 Washington EMA to cooperate fully with the State EMA and with the Governor in the exercise of emergency powers as provided by law.

§ 32.183 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 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 city in response to a call by the Governor or State Director of EMA, as provided by law, and any other reimbursement made by the state incident to EMA activities as provided by law.

§ 32.184 PURCHASE AND EXPENDITURES

- (A) The Mayor and City Council may, on recommendation of the Coordinator, authorize any purchase of contracts necessary to place the city in a position to combat effectively any disaster resulting from the explosion of any nuclear bomb or missile or other, 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.
- (B) In the event of enemy caused or other disaster, the city Coordinator of EMA is authorized, *at the direction of the Mayor or his delegate*, 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 procedures or formalities normally prescribed by law pertaining to city contracts or obligations as authorized by the State EMA Act, provided that if the Mayor and City Council meet at such time he shall act subject to the directions and restrictions imposed by that body.

§ 32.185 APPROPRIATION; LEVY OF TAXES

The Mayor and City Council may make an appropriation for EMA proposed in the manner provided by law, and may levy in addition for EMA purposes only, a tax not to exceed five cents (\$.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the State EMA Act. However, the amount collectible under such levy shall in no event exceed twenty-five cents (\$0.25) per capita."

Section 2. That each reference to "City Coordinator ESDA" or "City Coordinator of ESDA" in the Code of Ordinances be, and the same hereby is, amended by deleting each said reference to "City Coordinator ESDA" and substituting in lieu thereof the reference "City Coordinator of EMA".

Section 3. That each reference to "ESDA" or "Emergency Services and Disaster Agency" in the Code of Ordinances, be, and the same hereby is, amended by deleting each said reference and substituting in lieu thereof the reference "EMA" or "Emergency Management Agency", respectively.

Section 4. That all ordinances, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2017.

AYES _____

NAYS _____

Mayor

ATTEST:

City Clerk