

Request For Board Action

REFERRED TO BOARD: March 11, 2019

AGENDA ITEM NO: 9

ORIGINATING DEPARTMENT: Administration/Police Department

SUBJECT: Consideration of an Ordinance Amending Title 2, Chapter 8 of the Municipal Code of Antioch Relating to Emergency Management.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

As discussed at the Committee of the Whole meeting on February 27, 2019, staff has conducted a thorough analysis of the need to continue with a codified Emergency Management Agency. The results of that analysis have determined that emergency management needs are already being met through the operational guidelines and resources of the Antioch Police and Fire Departments. Title 2, Chapter 8 of the Municipal Code has been amended to eliminate the formal Antioch Emergency Management Agency, while at the same time codifying specific emergency management duties and responsibilities. The amendments also continue to codify the authority provided to the mayor by Illinois statute during declared emergency events.

FINANCIAL IMPACT:

DOCUMENTS ATTACHED:

1. Proposed Code Amendments

RECOMMENDED MOTION:

Approval of the amended ordinance, Title 2, Chapter 8 of the Municipal Code of Antioch relating to emergency management, waiving the second reading.

VILLAGE OF ANTIOCH

19-03-xx

*AN ORDINANCE REPEALING AND REPLACING CHAPTER 2-8 OF THE MUNICIPAL
CODE OF ANTIOCH RELATING TO EMERGENCY MANAGEMENT PROTOCOLS*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

MARCH 11, 2019

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this -- day of March, 2019.

LAWRENCE M. HANSON	President	MARY C. DOMINIAK	Trustee
LORI K. ROMINE	Clerk	JERRY T. JOHNSON	Trustee
ROBERT J. LONG	Attorney	JAY JOZWIAK	Trustee
		ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
		TED P. POULOS	Trustee

ORDINANCE 19-03-xx

**AN ORDINANCE REPEALING AND REPLACING
CHAPTER 2-8 OF THE MUNICIPAL CODE OF ANTIOCH
RELATING TO EMERGENCY MANAGEMENT PROTOCOLS**

WHEREAS, the Police Chief has recommended that the corporate authorities consider repealing and replacing the existing Chapter 2-8 of the Village Code which establishes an emergency management agency, and

WHEREAS, the Village Board finds that the existing code provisions no longer are suitable for the public's interests in large part because of the merger of the former Village Fire Department into the independent First Fire Protection District and because management of the emergency preparedness response protocols have changes within the past 15 years since that chapter was originally adopted, and

WHEREAS, attached hereto as Exhibit A is a revised code provision which more effectively deals with the current best practices available to municipalities of this nature to deal with emergencies, whether natural or man-made, and

WHEREAS, the Village Board finds that the provisions set forth in Exhibit A ought to be adopted and the protocols established therein should be established,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: Chapter 2-8 of the Antioch Municipal Code is hereby repealed and replaced by the new Chapter 2-8 set forth on Exhibit A attached hereto.

SECTION TWO: The Mayor, Administrator and Chief of Police are directed to take all appropriate action necessary or helpful in implementing the protocols and provisions described in the new Chapter 2-8 as soon as practical.

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

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS
____ DAY OF _____, 2019.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. ROMINE, VILLAGE CLERK

(Exhibit A)

Chapter 8

EMERGENCY MANAGEMENT

2-8-1 : POLICY AND PROCEDURES:

- A. Because of the possibility of the occurrence of disasters of significant size and destructiveness resulting from fire, flood, earthquake, or other natural or manmade causes, and in order to ensure that this village will be prepared to and will adequately deal with any such disasters, preserve the lives and the property of the people of this village and protect the public peace, health, and safety in the event of such a disaster; it is found and declared to be necessary:
1. To confer upon the village mayor the extraordinary power necessary to preserve the public health, peace and safety during and after a disaster.
 2. To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.
- B. It is further declared to be the purpose of this chapter and the policy of the village that all emergency management programs of this village be coordinated to the maximum extent with the comparable functions of the federal, state, and county governments, including their various departments and agencies, of other municipalities and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disaster that may occur.

2-8-2 : LIMITATIONS:

Nothing in this chapter shall be construed to:

- A. Interfere with the course of conduct of a private labor dispute, except that actions otherwise authorized by this chapter or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- B. Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including, but not limited to, radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
- C. Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States, or of any personnel therefor, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

D. Limit, modify, or abridge the authority of the village mayor and the village board to exercise any other powers vested in them under the constitution, statutes, or common law of this state, independent of or in conjunction with any provisions of this chapter.

2-8-3 : DEFINITIONS:

As used in this chapter, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

DISASTER: An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including, but not limited to: fire, flood, earthquake, wind, storm, hazardous materials spill or leak, 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, or hostile military or paramilitary action. "Disaster" includes, but is not limited to, all occurrences and threats thereof, which are contemplated by the concept of "emergency management operations".

DISASTER OPERATIONS: The functions created in accordance with the provisions of this chapter to be performed by the village in cooperation with other political subdivisions to alleviate the effects of disaster.

EMERGENCY MANAGEMENT: The efforts of this village, its departments and other private and public organizations, to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

EMERGENCY OPERATIONS PLAN: The written plan of this village describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

EMERGENCY SERVICES: The preparation for and carrying out of such 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 disasters caused by fire, flood, earthquake, or other manmade or natural causes. These functions include, without limitation, firefighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

POLITICAL SUBDIVISION: Any county, city, village, or incorporated town or township, or other taxing body.

2-8-4 : POWERS OF THE VILLAGE MAYOR:

A. Pursuant to the grant of powers set forth in 20 ILCS 3305/11, the village mayor (or the successor designated by said statute) shall have the sole power to declare a local emergency for a period of up to 7 days unilaterally, and for such longer term as the corporate authority may grant in extraordinary circumstances. The village mayor shall be responsible for ensuring that any order or proclamation declaring, continuing, or

terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the village clerk.

- B. The Antioch village mayor shall have the general direction and control of the Antioch emergency management operations, and shall be responsible for the carrying out of the provisions of this chapter through the assignment of village staff, as defined by village policy.
- C. In performing the duties under this chapter, the village mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this chapter.
- D. In performing the duties under this chapter, the village mayor is further authorized:
 - 1. To make, amend and rescind all lawful necessary orders, rules and regulations of the local emergency operations plan to carry out the provisions of this chapter within the limits of the authority conferred upon him.
 - 2. To cause to be prepared a comprehensive plan and program for the emergency management of this village which plan and program shall be integrated into and with emergency plans of the county, state and federal governments and of other political subdivisions, and which plan and program may include:
 - a. Prevention and minimization of injury and damage caused by disaster;
 - b. Prompt and effective response to disaster;
 - c. Emergency relief;
 - d. Identification of areas particularly vulnerable to disasters;
 - e. Recommendations for zoning, building and other land use controls, safety measures for securing permanent structures and other preventative preparedness measures designed to eliminate or reduce disasters and their impact;
 - f. Assistance to other local officials in designing local emergency operations plans;
 - g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - h. Organization of village manpower and chains of command;
 - i. Coordination of local emergency management activities;
 - j. Other necessary matters.
 - 3. In accordance with such plan and program for the emergency management of this village, and out of funds appropriated for such purposes, to procure and pre-position supplies, medicines,

materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces for disaster operations.

4. Out of the funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this village as may be necessary to ascertain the capabilities of the village for the emergency management phases of mitigation, preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- E. The village mayor is authorized to designate space in a village building, or elsewhere for the Antioch emergency management agency as its office(s) to facilitate emergency operations.
- F. The village mayor is authorized to designate space in a village building, or elsewhere for the Antioch emergency operation center. In addition, the mayor or his designee shall be able to designate vehicle(s) or other space(s) to be used as a field operations post(s), if such emergency or disaster dictates such designation.

2-8-5 : FINANCING:

- A. It is the intent of the village board and declared to be the policy of the village that every effort shall be made to provide funds for disaster emergencies.
- B. It is the village board's intent that the first recourse shall be to funds regularly appropriated to the village's emergency funds. If the village mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the governor has proclaimed the village a disaster, the village mayor may make application for funds from the state disaster relief fund. If the monies from all available previously appropriated emergency funds are insufficient, and the village mayor finds that other sources of money to cope with the disaster are not available or are insufficient, the village mayor may issue a call for an immediate session of the village board for the purpose of enacting ordinances as the board may deem necessary to transfer and expend monies appropriated for other purposes, to borrow monies from the United States government or other public or private sources. If less than a quorum of the members of the board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the village mayor is authorized to carry out those decisions until such time as a quorum of the board can convene.
- C. Nothing contained in this section shall be construed to limit the village mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, mitigation, preparedness, response or recovery.
- D. The village mayor may, on recommendation of the village administrator, authorize any purchase of contracts necessary to place the village 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 manmade or natural disaster.
- E. In the event of enemy caused or other disaster, the village administrator is authorized, on behalf of the village, 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 village contracts or obligations, as authorized by 20 Illinois Compiled Statutes. However, if the mayor meets with the board of trustees at this time, he shall act subject to the directions and restrictions imposed by that body.

2-8-6 : LOCAL DISASTERS:

- A. A local disaster may be declared only by the village mayor or the successors as described in this chapter. When declared by the village mayor, any disaster declaration shall not be continued for a period in excess of seven (7) days except by or with the consent of the village board. Any order or proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity, and shall be filed promptly with the village clerk.
- B. The effect of a declaration of a local disaster is to activate the response and recovery aspects of any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- C. During a local disaster, the village mayor may suspend the provisions of any village ordinance prescribing procedures for the conduct of village business, or the orders, rules and regulations of any village agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "the Illinois emergency management agency act", provided that, if the village board meets at such time, the village mayor shall act subject to the directions and restrictions imposed by the body.

2-8-7 : STATE 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 manmade or natural disaster, it shall be the duty of the Village of Antioch to cooperate fully with the Illinois emergency management agency and with the governor in the exercise of emergency powers as provided by law.

2-8-8 : TESTING OF WARNING DEVICES:

The testing of disaster warning devices including outdoor warning sirens shall be held only on the first Tuesday of each month at ten o'clock (10:00) A.M.

2-8-9 : MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS:

The Village of Antioch may, in collaboration with other public agencies within the immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies of politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be

consistent with the state and local emergency management operations plan and program, and in the event of such a "disaster" as described in section 2-8-3 of this chapter, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

2-8-10 : COMMUNICATIONS:

The village administrator, or his designee shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The village administrator shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the village administrator shall evaluate the possibility of multipurpose use thereof for general village and local governmental purposes. The village administrator shall make recommendations to the village mayor or the village board as appropriate.

2-8-11 : IMMUNITY:

Neither the village, its elected officials, its officers, its agents or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this chapter or any rule or regulations promulgated pursuant to 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 act, under the workers' compensation act or the workers' occupational diseases 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.

2-8-12 : PROFESSIONS, TRADES AND OCCUPATIONS:

If such "disaster" as is described in section 2-8-3 of this chapter occurs in this village and the services of persons who are competent to practice any profession, trade or occupation are required in this village to cope with the disaster situation and it appears that the number of persons licensed or registered in this village to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this village pursuant to the order of the head of that political subdivision and upon request of the village, or if otherwise requested so to do by the village mayor or the village administrator, during the time the disaster condition continues, practice such profession, trade or occupation in this village without being licensed or registered in this village.

2-8-13 : APPROPRIATIONS FOR EMERGENCY MANAGEMENT OPERATIONS:

The village board may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision.

2-8-14 : AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS:

Whenever the federal, state or local governments or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the village services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the village, acting through the village mayor or through the village board, may accept such offer and upon such acceptance to the village mayor or the village board may authorize any officer of the village to receive such services, equipment, supplies, materials or funds on behalf of the village.

2-8-15 : ORDERS, RULES AND REGULATIONS:

The village mayor or the village board shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this chapter in the office of the village clerk. No such rule, regulation or order, or any amendment upon the declaration of such a disaster emergency by the village mayor as is described in section 2-8-7 of this chapter, the provision relating to the effective date of any rule, regulation, order or amendment issued pursuant to this chapter and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the village clerk, accompanied by a certificate stating the reason for the emergency.

2-8-16 : UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL:

In carrying out the provisions of this chapter, the village mayor and the village administrator are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the village to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the director and the emergency management agency.

2-8-17 : NO PRIVATE LIABILITY:

- A. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.
- B. Any private person, firm, or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under direction of, the village under the provisions of this chapter, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.
- C. Any private person, firm, or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the village, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in this subsection C shall not apply to any

private person, firm, corporation, or to any employee or agent of such person, firm, corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefor.

2-8-18 : SUCCESSION:

In the event of the death, absence from Antioch or other disability of the village mayor preventing him from acting under this chapter or for any other village purpose, and until the office is filled in the manner prescribed by law, the following village officials shall succeed to the duties and responsibilities of the village mayor outlined in sections 2-8-5, 2-8-6 and 2-8-7 of this chapter:

A. Senior trustee of the village board.

B. Village Administrator

C. Chief of Police

2-8-19 : SEVERABILITY:

If any provision of this chapter or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

SS

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on March 11, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-03-xx, entitled "AN ORDINANCE REPEALING AND REPLACING CHAPTER 2-8 OF THE MUNICIPAL CODE OF ANTIOCH RELATING TO EMERGENCY MANAGEMENT PROTOCOLS " which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-03-xx, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March --, 2019 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this -- day of March, 2019.

Lori K. Romine, RMC/CMC
Village Clerk