

PROPOSED SUBSTITUTE TO FILE 19-4277

(Homeland and Emergency Management Committee 10/23/2019)

Sponsored by: LARRY SUFFREDIN, County Commissioners

RENAMING THE COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT AS THE COOK COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT AND REGIONAL SECURITY AND THE HOMELAND SECURITY AND EMERGENCY MANAGEMENT COMMITTEE AS THE EMERGENCY MANAGEMENT AND REGIONAL SECURITY COMMITTEE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 26 – EMERGENCY MANAGEMENT AND SERVICES, ARTICLE II. – COOK COUNTY DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES, Sec. 26-31 – 26-43 of the Cook County Code is hereby amended as follows:

Chapter 26 - EMERGENCY MANAGEMENT AND SERVICES

ARTICLE II. - COOK COUNTY DEPARTMENT OF ~~HOMELAND SECURITY AND~~
EMERGENCY MANAGEMENT AND REGIONAL SECURITY

Sec. 26-31. - Establishment.

- (a) There is hereby created the Cook County Department of ~~Homeland Security and~~ Emergency Management and Regional Security (~~DHSEM~~ DEMRS) to coordinate the efforts of the County to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery within the County and with private organizations, other political subdivisions, the State and federal governments, established pursuant to Section 10 of the Illinois Emergency Management Agency (IEMA) Act (20 ILCS 3305/10).
- (b) ~~DHSEM~~ DEMRS shall consist of the Executive Director, who shall serve as emergency coordinator of the County's emergency management programs pursuant to the Illinois Emergency Management Agency Act, and such additional employees as may be selected by the President or Executive Director per the County's hiring rules.

Sec. 26-32. - Executive Director.

- (a) The Executive Director of the ~~DHSEM~~ DEMRS shall be appointed by the President of the County Board of Commissioners and shall serve until removed by the President.
- (b) The Executive Director shall have direct responsibility for the organization, administration, training and operation of the ~~DHSEM~~ DEMRS, subject to the direction and control of the President and the Chief of the Bureau of Administration, including the preparation by the ~~DHSEM~~ DEMRS of an emergency operations plan consistent with the National Incident Management System (NIMS), as adopted by Resolution No. 05-R-464.

- (c) The Executive Director shall possess all powers and duties set forth for the Executive Director by statute and in this Ordinance, including the authority to designate emergency vehicles as provided in the Illinois Vehicle Code, 625 ILCS 5/12-215.
- (d) In the event of the absence, resignation, death or inability to serve as the Executive Director, the President or any person designated by him or her shall be and act as Executive Director until a new appointment is made as provided in this article.

Sec. 26-33. - Functions.

- (a) The ~~DHSEM~~ DEMRS shall perform such functions within the County as shall be prescribed in and by the County's Emergency Operations Plan and the State Emergency Operations Plan and emergency management program prepared by the Illinois Emergency Management Agency (IEMA), and such orders, rules and regulations as may be promulgated by IEMA and the Governor.
- (b) As used herein, the terms "emergency management agency" and "emergency services and disaster agency" are equivalent. The ~~DHSEM~~ DEMRS shall serve as the mandated emergency management agency for all political subdivisions within the County except those areas served by emergency management agencies which have been accredited by IEMA. All political subdivisions served by the ~~DHSEM~~ DEMRS shall be responsible for engaging in emergency preparedness and response activities within their jurisdictions. Political subdivisions which maintain a nonmandated emergency services and disaster agency not accredited by the IEMA may apply to ~~DHSEM~~ DEMRS for certification, in which case each such political subdivision shall biennially submit an emergency operations plan to ~~DHSEM~~ DEMRS as provided in Title 29 of the Illinois Administrative Code, Part 301, Political Subdivision Emergency and Disaster Service Agencies. Each municipality that does not maintain an emergency services and disaster agency shall designate a liaison officer to facilitate the cooperation and protection of that municipal corporation with ~~DHSEM~~ DEMRS, in accordance with Section 10 of the IEMA Act (20 ILCS 3305/10).
- (c) The ~~DHSEM~~ DEMRS shall perform or coordinate the performance of such duties as may be required of the County pursuant to any Mutual Aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in Section 13 of the Illinois Emergency Management Agency Act (20 ILCS 3305/13).
- (d) In accordance with Chapter 34, Section 34-141 of the Cook County Code of Ordinances, the Executive Director, in consultation with the Chief Procurement Officer and utilizing a competitive procurement process approved by the County's Code when practicable, shall be authorized to request the Chief Procurement Officer to enter into and execute contracts for the availability of emergency equipment or supplies which may be required in the event of an emergency or disaster. Except as approved by the Board, such contracts shall not commit the County to make payment in excess of \$25,000 unless such equipment or

supplies are purchased under the emergency purchase authority set forth in Section 26-39 of this Ordinance.

Sec. 26-34. - Service as mobile support team.

- (a) All or any members of ~~DHSEM~~ DEMRS may be designated as members of a Mobile Support Team created by the Director of the IEMA as provided by Section 8 of the Illinois Emergency Management Agency Act (20 ILCS 3305/8).
- (b) 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 Director of IEMA 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.

Sec. 26-35. - Agreements with other political subdivisions and nongovernmental organizations.

- (a) *Mutual Aid, Intergovernmental or Interagency Agreements.* The Executive Director of the Department of ~~Homeland Security and~~ Emergency Management and Regional Security may negotiate Mutual Aid Agreements and Intergovernmental or Interagency Agreements with other political subdivisions and taxing districts of the State as well as with nongovernmental organizations, provided such agreements are consistent with the State Emergency Operations Plan and Emergency Management Program. Negotiated Mutual Aid Agreements, Intergovernmental Agreements or Interagency Agreements shall be approved by the County Board in advance of execution by the Executive Director. Where applicable, said agreements shall adhere to applicable procurement rules under the County's Code of Ordinances or the procurement standards required under the funding grant agreement, whichever standards are more restrictive.
- (b) *Agreements and/or Memoranda of Understanding Related to Training and Curriculum Development.* The Executive Director or his/her designee is authorized to negotiate and execute agreements or Memoranda of Understanding ("MOU") with other political subdivisions or governmental units, nonprofit entities, volunteer groups, and private parties for the purpose of procuring and providing training and curriculum development for first responder agencies and other stakeholders throughout Cook County, as appropriated, and including provisions providing indemnification. Where applicable, said agreements or MOUs shall adhere to applicable procurement rules under the County's Code of Ordinances or the procurement standards required under the funding grant agreement, whichever standards are more restrictive. Said agreements or MOUs shall not require additional authorization from the County Board when limited to the purpose of procuring and/or

providing training and/or curriculum development for first responder agencies and other stakeholders unless said agreement or MOU is greater than \$150,000.00.

- (c) *Agreements and/or Memoranda of Understanding to Advance Additional Partnership Opportunities.* In order to facilitate and advance additional partnership opportunities to effectuate effective and efficient emergency response and coordination activities, the Executive Director shall be authorized to negotiate and execute MOUs or agreements with other political subdivisions, governmental units, nonprofit entities, volunteer groups and private parties, setting forth the agreed roles of the parties thereto with respect to preparedness and response activities within Cook County, without further approval by the County Board. These agreements or MOUs shall not bind Cook County to indemnification provisions, nor shall such MOUs obligate Cook County to make any direct payments to a third party from County corporate or grant funds. Said agreements or MOUs may not require a separate Mutual Aid Agreement, Intergovernmental Agreement or Interagency Agreements; however, should the agreement or MOU require the County to indemnify the other party, County Board authorization will be required in advance of execution.
- (d) *Records to be maintained.* The Executive Director shall further maintain a record of all agreements or MOUs entered into pursuant to the authority afforded in subsection (b) and (c) and make available to the President or the Cook County Board of Commissioners a quarterly report listing the various agreements or MOUs entered into pursuant to this authority at their request.

Sec. 26-36. - Emergency action.

- (a) If the Governor proclaims that a disaster exists in the event of an emergency created by 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, and such disaster affects the County, it shall be the duty of the ~~DHSEM~~ DEMRS to activate its Emergency Operations Plan and to cooperate fully with the IEMA and with the Governor in the exercise of emergency powers as provided by law.
- (b) If the President declares a local disaster exists in the event of an emergency as set forth in subsection (a), it shall be the duty of the ~~DHSEM~~ DEMRS to activate its Emergency Operations Plan and to cooperate fully with the President in the exercise of emergency powers as provided by law. The declaration of a local disaster shall not be continued or renewed for a period in excess of seven days, without consent of the Board.

(Ord. No. 07-O-58, 10-2-2007; Ord. No. 09-O-69, 9-16-2009.)

Sec. 26-37. - Compensation.

Members of the ~~DHSEM~~ DEMRS who are paid employees or officers of the County, if called for training by the Director of IEMA, 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.

Sec. 26-38. - Reimbursement by state; funds received from federal government and private donation.

The County Treasurer shall establish a ~~DHSEM~~ DEMRS fund within the general corporate fund for emergency and disaster services purposes and shall make such funds available to the Executive Director for use in accordance with the proper purposes of the ~~DHSEM~~ DEMRS as established in this article. The County Treasurer shall receive and allocate to the ~~DHSEM~~ DEMRS fund:

- (a) Any reimbursement by the State or Federal governments to the County for expenses incident to training members of the ~~DHSEM~~ DEMRS as prescribed by the Director of IEMA;
- (b) Compensation for services and expenses of members of a Mobile Support Team which service is outside the County in response to a call by the Governor or Director of IEMA, as provided by law;
- (c) Any other reimbursement made by the State or Federal government or private donations for sponsoring and reimbursing the ~~DHSEM~~ DEMRS emergency management activities and costs.

Sec. 26-39. - Emergency powers of President and Executive Director.

- (a) In the event of the occurrence of a disaster as set forth in Section 26-36 of this article, and upon proclamation by the Governor that a disaster exists or proclamation by the President that a local disaster exists, the President may exercise the following emergency powers during such disaster:
 - (1) To utilize all available resources of the County, including facilities, equipment, and personnel, as reasonably necessary to cope with the disaster, and to transfer the direction, personnel or functions of County departments and agencies for the purpose of performing or facilitating disaster response and recovery programs.

- (2) To suspend some or all of the provisions of any regulatory ordinance or the orders, rules and regulations of any County agency, and to suspend the enforcement thereof, if strict compliance with the provisions of any ordinance, order, rule or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by ~~DHSEM~~ DEMRS, in coping with the disaster.
- (3) To enter into contracts and incur obligations, on recommendation of the Executive Director, necessary to place the County in a position to respond and recover from a disaster.
- (b) In the event of declared disaster, the Executive Director of ~~DHSEM~~ DEMRS 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 and County ordinance pertaining to County contracts, obligations, the employment of temporary workers, and the appropriation, expenditure, and disposition of public funds and property, as provided in Section 10(j) of the Illinois Emergency Management Agency Act (20 ILCS 3305/10(j)).

Sec. 26-40. - Oath.

Every person appointed to serve in any capacity in the ~~DHSEM~~ DEMRS organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Executive 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, 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 Cook County Department of ~~Homeland Security~~ and Emergency Management and Regional Security, 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. 26-41. - Designation of space.

The President is authorized to designate space in a County building, or elsewhere, as may be provided for by the Board for ~~DHSEM~~ DEMRS for the performance of its operations and for the performance of emergency preparedness and response activities.

Sec. 26-42. - Duty to cooperate.

All Departments and Officers of the County shall cooperate in developing, planning, analyzing, conducting, providing, exercising, implementing and maintaining programs for disaster mitigation, preparedness, response and recovery as requested by the Executive Director. In the event a disaster is declared affecting Cook County, all Departments and Officers of the County shall implement their emergency plans as applicable as requested by the Executive Director. Every County Officer, including elected officials, shall designate a minimum of three emergency interim successors pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., and obtain their oaths in the manner set forth in said Act. Such designations and oaths shall be maintained on file by the ~~DHSEM~~ DEMRS, which shall supply sample forms to County officers, as defined in the Emergency Interim Executive Succession Act, 5 ILCS 275/1 et seq., to facilitate such designations.

Sec. 26-43. - Construction.

This Ordinance shall be broadly construed to enable the President, the Executive Director and the ~~DHSEM~~ DEMRS to perform any task necessary to protect the health and safety of the residents of Cook County. This Ordinance is not intended to abrogate or limit any immunity or other protection available by state or federal statute or common law to the County, to any municipality, or to any person participating in an emergency preparedness or response activity.

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BE IT FURTHER ORDAINED the purpose of this ordinance amendment is a name change and all rights and obligations in agreements executed under this Chapter 26 before the effective date of this ordinance remain unaffected.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 2-Administration,, Article III, County Board, Division 2. – Rules of Organization and Procedure, Sec. 2-109 (i)(9) is hereby amended as follows:

(9) ~~Homeland Security and Emergency Management~~ Emergency Management and Regional Security, Committee of the Whole.

Effective Date: This ordinance shall be in effect immediately upon adoption.