

APPENDIX BP-3

SUGGESTED CITY ORDINANCE

386

RELATING TO EMERGENCY SERVICES AND

DISASTER AGENCIES (ESDA)

PREPARED BY
STATE EMERGENCY SERVICES AND DISASTER AGENCY

An Ordinance Relating to City ESDA

BE IT ORDAINED by the (Mayor) (Village President) (City Manager) of the City of SUMNER that:

Section 1. (Establishment) There is hereby created the SUMNER ESDA 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 Services and Disaster Act of 1975".

This ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

Section 2. (Coordinator) The coordinator of the city ESDA shall be appointed by the (Mayor) (Village President) (City Manager) and shall serve until removed by same.

The coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the (Mayor) (Village President) (City Manager) as provided by statute.

In the event of the absence, resignation, death or inability to serve as the coordinator, the (Mayor) (Village President) (City Manager) or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this ordinance.

Section 3. (Functions) The city ESDA shall perform such ESDA functions within the city as shall be prescribed in and by the state ESDA 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 the "The State ESDA Act of 1975".

Section 4. (Service as Mobile Support Team) All or any members of the city ESDA organization may be designated as members of a Mobile Support Team created by the director of the State ESDA as provided by law.

The leader of such Mobile Support Team shall be designated by the coordinator of the city ESDA organization.

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.

Section 5. (Agreements with other political subdivisions) The Coordinator of ESDA 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) (Village President) (City Manager) and by the state director of ESDA.

Section 6. (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 man-made or natural disaster, it shall be the duty of the city ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

Section 7. (Compensation) Members of the ESDA who are paid employees or officers of the city, if called for training by the state director of ESDA, 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) (Village President) (City Manager).

Section 8. (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 ESDA as prescribed by the State Director of ESDA, 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 ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

Section 9. (Purchases and Expenditures) The (Mayor) (Village President) (City Manager) may, on recommendation of the city coordinator

of ESDA, 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 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 city coordinator of ESDA 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 State ESDA Act of 1975", provided that if the (Mayor) (Village President) (City Manager) meets at such time he shall act subject to the directions and restrictions imposed by that body.

Section 10. (Oath) Every person appointed to serve in any capacity in the city ESDA 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 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 Sumner ESDA 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."

Section 11. (Office) The (Mayor) (Village President) (City Manager) is authorized to designate space in a city building, or elsewhere, as may be provided for by the (Mayor) (Village President) (City Manager) for the city ESDA as its office.

Section 12. (Appropriation - Levy of Taxes) The (Mayor) (Village President) (City Manager) may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five (5) cents per one hundred (100) dollars of the assessed value of all taxable property in addition to all other taxes, as provided by the "The State ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed .25 cents per capita.

Section 13.

This ordinance shall be in force from and after its passage and approval, as provided by law.

Passed this 9 day of February, 19 76.

Approved this 9 day of February, 19 76.

Richard D. Nickel, Mayor/Village President/City Manager

Attest: Grant J. Judd
Clerk