

CHAPTER 9
OFFICE OF EMERGENCY MANAGEMENT

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9.01 **ESTABLISHMENT**

- A. There is hereby created an Office of Emergency Management hereinafter referred to as OEM, to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response, and recovery in accordance with “The Illinois Emergency Management Act” and the “National Incident Management System (NIMS)
- B. This agency shall be known as the City of Harvard Office of Emergency Management (hereinafter OEM).
- C. The City of Harvard OEM shall consist of the coordinator who shall be its director, other administrative personnel or community volunteers as may be selected by the coordinator with the approval of the Mayor and City Council.
- D. The City of Harvard OEM shall have jurisdiction within the City of Harvard corporate city limits.

9.02 **DEFINITIONS:**

- A. “COORDINATOR”- means the staff assistant to the head of a local government with the duty of carrying out the requirements of this ordinance.
- B. “DISASTER”- means an occurrence of threat of widespread or severe damage, injury, 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 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, or acts of domestic terrorism.

- C. “DISASTER OPERATIONS”- means the functions created in accordance with the provisions of this chapter to be performed by Local, State, or Political Sub-divisions to alleviate the effects of disaster.
- D. “EMERGENCY MANAGEMENT”- means the efforts of the Local, State, and Political Subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.
- E. “NATIONAL INCIDENT MANGEMENT SYSTEM”- means the consistent nationwide approach developed and administered in accordance with Homeland Security Presidential Directive -5 for Local, State, Federal and Tribal governments and private-sector and nongovernmental organizations to work together effectively and efficiently, to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
- F. “POLITICAL SUBDIVISIONS”- means any City, County, Village or unincorporated town.
- G. “UNITED STATES”- means the States, District of Columbia and the Panama Canal Zone.

9.03

LIMITATIONS

Nothing in this Chapter shall be construed to:

- A. Interfere with the course or 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 and print public service messages furnishing information or instructions in connection with a disaster emergency.
- C. Affect the jurisdiction or responsibilities of police department, fire department, units of the United States Armed Forces, or any person thereof, when on active duty; but the City of Harvard Emergency Preparedness Plan

shall place reliance upon the forces available for performance of functions related to disaster emergencies.

- D. Limit, modify, or abridge the authority of the Mayor and the City Council to exercise any other powers vested in them under the Constitution, Statutes, or common law of the State or City Ordinances, independent of or in conjunction with any provisions of this chapter.

9.04

COORDINATOR

- A. The coordinator of the City of Harvard OEM shall be appointed by the Mayor with approval by 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 City of Harvard OEM as prescribed in and by the State emergency management program subject to the direction and control of the City of Harvard Mayor. He/she shall coordinate the activities of all organizations for emergency management and disaster operations with the City of Harvard and shall maintain liaison and cooperate with other emergency management agencies and organizations within McHenry County, other Counties, State and Federal Government.
- C. In the event of the absence, resignation, death, or inability to serve of the coordinator, the Mayor with approval of the City Council, or any person designated by him, shall act as coordinator until a new appointment is made as provided in this chapter.

9.05

FUNCTIONS

- A. The City of Harvard OEM shall prepare and keep current a City wide emergency preparedness plan, said plan to be in compliance with the NIMS, which is hereby adopted pursuant to City of Harvard Resolution 2004-20, as the comprehensive approach to incident management for all hazards across the corporate limits of the City of Harvard.
- B. Interrelate with business, labor, industry, agriculture, civic and volunteer organizations and community leaders in the development of such a plan;
- C. Prepare and distribute to all appropriate officials in written form a clear and complete statement of the organization of an incident command system, of the emergency responsibilities of all local departments and offices and of the disaster chain of command;
- D. Establish train and maintain such other volunteer OEM units as may be deemed necessary by the coordinator or the Mayor and City Council to place the City in a position to promptly and effectively respond to a disaster.

- E. Initiate and coordinate planning for the establishment of an emergency operations center;
- F. Prepare, for issuance by the Mayor and City Council, resolutions, proclamations and regulations as necessary or appropriate in coping with disaster;
- G. Cooperate with federal and state governments and any public or private agency or entity in achieving any purpose of this resolution and in implementing programs for disaster mitigation, preparation, response and recovery.
- H. Perform such emergency management and disaster operations functions within the City of Harvard and shall be prescribed in and by the state emergency operations plan and program prepared 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 by “The Illinois Emergency Management Agency”;
- I. Execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of “The Illinois Emergency Management Agency Act”. The City of Harvard OEM shall have available for inspection at its offices all orders, rules and regulations made by the Governor, or under his/her authority, as shall be furnished by the Illinois Emergency Management Agency.”
- J. Do all things necessary, incidental or appropriate for the implementation of this chapter.

9.06 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The coordinator of the City of Harvard OEM may negotiate mutual aid agreements with the County, other counties, other municipalities, or other political subdivisions of the State, however, no such agreement shall be effective unless it is approved by the Mayor and City Council.

9.07 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 of Harvard OEM to cooperate fully with the County and Illinois Emergency Management Agency and with the Governor in the exercise of emergency powers as provided by law.

9.08

VOLUNTEERS AND COMPENSATION

- A. The City of Harvard OEM with approval of the Mayor and City Council, may solicit for member volunteers from the community to be part of the OEM as a Community Emergency Response Team (C.E.R.T) for use in times of any major, natural or man made disaster. They may also solicit for and appoint a volunteer coordinator of the OEM. These members shall not be paid compensation or salaries for their services as part of the agency organization. However, the Mayor and City Council may opt to provide compensation to the coordinator for hours worked and training related to the OEM, through its annual fiscal year budget.
- B. If the coordinator of the Harvard OEM, is an existing city employee, he/she shall receive their regular compensation as such employee or officer of the City while serving in this capacity. In addition, if the coordinator has to attend required training from the County, Illinois or Federal Emergency Management Agency, he/she shall receive the same rate of pay as is attached to the position they hold, as well as reasonable travel and lodging expenses.
- C. Every person appointed to serve in any capacity in the City OEM organization shall, before entering upon his/her 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, against all enemies foreign and domestic; that I will 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 City of Harvard OEM, 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

9.09

REIMBURSEMENT BY STATE

The City treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for covered expenses incident to emergency management activities provided by law.

9.10

PURCHASES AND EXPENDITURES

Upon recommendation of the coordinator, the Mayor may authorize or execute any purchases or contracts necessary to place the city in a position to effectively

combat any disaster and to protect the public health and safety, protect property, and provide emergency assistance to victims in case of such disaster.

9.11 TESTING OF OUTDOOR WARNING DEVICES

Testing of the city wide outdoor warning devices shall be performed every Tuesday of the month at 10:30 AM in conjunction with testing of the McHenry County Emergency Management Notification System.

9.12 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS

Whenever the federal or state governments or any agency or officer thereof or whenever any person, firm or corporation shall offer to the City of Harvard services, equipment, supplies, materials or funds by the way of gift or grant for purposes of emergency management and disaster operations, the City, acting through the Mayor and City Council, may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city.

9.13 SEVERABILITY

If any provisions 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 of application and to this end the provisions of this chapter are severable.