

ORDINANCE NO. CO-2021-31

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 30 (VILLAGE ADMINISTRATION) AND CHAPTER 37 (CIVIL EMERGENCIES)
OF TITLE 3 (ADMINISTRATION) OF THE MAYWOOD VILLAGE CODE
TO CREATE THE DEPARTMENT OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT IN PLACE OF
THE VILLAGE EMERGENCY SERVICES AND DISASTER AGENCY**

WHEREAS, the Village of Maywood (“Maywood”) is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 37.05 (Emergency Services and Disaster Agency) of the Maywood Village Code (“Village Code”) establishes and governs the Village’s Emergency Services and Disaster Agency (“ESDA”) under the enabling authority of the Illinois Emergency Management Act (20 ILCS 3305); and

WHEREAS, the Village desires to amend Section 37.05 of the Village Code to replace the Village’s ESDA with an Emergency Management and Department of Homeland Security to enhance its ability to provide comprehensive and effective emergency response for its residents, as set forth below in this Ordinance (the “Code Amendments”); and

WHEREAS, the new Department of Homeland Security and Emergency Management will work cooperatively with the Police Department and the Fire Department to protect the community and provide volunteers with training in all areas of hazards, threats and incident training to allow an improved response in emergency circumstances; and

WHEREAS, pursuant to its home rule authority granted under Article VII, Section 6 of the Illinois Constitution of 1970, and the authority granted under the applicable provisions of the Illinois Municipal Code (65 ILCS 5/) and the Illinois Emergency Management Act (20 ILCS 3305), the Village President and Board of Trustees find that adopting the Code Amendments set forth below is in the best interests of the Village, the Village residents, business owners, property owners and the public.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The findings set forth above are incorporated by reference into this Section 1 as if fully recited herein.

SECTION 2: The current text of Section 37.05 (Emergency Services and Disaster Agency) of the Maywood Village Code is amended to read in its entirety as follows (new text is marked with underlining; deletions to existing text are marked using strikethrough):

“37.05 ~~EMERGENCY SERVICES AND DISASTER AGENCY~~ DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT.

(A) Establishment. Under this section, the Village establishes the ~~Emergency Services and Disaster Agency (ESDA)~~ Department of Homeland Security and Emergency

Management (DHSEM) to prevent, minimize, repair, and alleviate injury or damage resulting from the explosion of atomic or other means from without or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, telecommunications failure, or other natural or technological causes, in accordance with the Illinois Emergency Management Act (the Act) (20 ILCS 3305/1 et seq.), as may be amended from time to time. The Village of Maywood may exercise any and all powers, rights and duties available to it under the Act for emergency management duties and under non-specific standard operating procedures for Homeland Security: even if not specifically enumerated in this chapter.

(B) Composition. The ~~ESDA~~DHSEM shall consist of the Coordinator-Chief thereof and any additional members as may be selected by the Coordinator-Chief, with the advice and consent of the President and Board of Trustees. The Coordinator-Chief and members of the ~~ESDA~~DHSEM serve on a voluntary basis. The Chief of Police and Chief of the Fire Department shall be permanent members of the ~~ESDA~~DHSEM.

(C) Coordinator-Chief. The Coordinator-Chief of the ~~ESDA~~DHSEM shall be appointed by the Village President and shall serve until removed by same per 20 ILCS 3305/10(i). The Coordinator-Chief shall have direct responsibility for the organization, administration, training, and operations of the ~~ESDA~~DHSEM, subject to the direction and control of the Village President as provided by statute. The Coordinator-Chief shall report to the Village Manager for purposes of handling day-to-day administrative activities and matters, and the Directors of each Village Department. The Coordinator-Chief shall assist in the coordination of all the village's department resources (Police, Fire, Public Works, Animal Care Control, Public Health, and Water Management) when an emergency or disaster occurs. Subject to the annual budgetary constraints of the village and the annual budget, the Coordinator-Chief shall be compensated in the amount of \$15,000.00 per fiscal year for the performance of day-to-day administrative activities and matters relating to the DHSEM. No compensation shall be paid to the Coordinator-Chief for performance of his/her duties when responding to an emergency or disaster.

(D) Oath. Every person appointed to serve in any capacity in the ~~ESDA~~DHSEM organization shall, before entering upon his duties, execute a written oath in substantially the form set forth in Section 20 of the Act (20 ILCS 3305/20), before the Coordinator-Chief or other person authorized to administer oaths in the state (20 ILCS 3305/20). The oath shall be filed with the Coordinator-Chief.

(E) Office space. The Village President and Board of Trustees are authorized to designate space in a Village building, or elsewhere, as may be provided for by the Village President and Board of Trustees, for the ~~ESDA~~DHSEM as its office.

(F) Functions and duties. The ~~ESDA~~DHSEM shall perform all ~~ESDA~~DHSEM functions within the Village as prescribed in and by the Act (20 ILCS 3305/1 et seq.), the State Emergency Operations Plan, and programs, orders, rules, and regulations as may be promulgated by the Illinois Emergency Management Agency (IEMA) and by local ordinance, and, in addition, shall perform those duties outside the corporate limits as may be required pursuant to any mutual aid agreements with other political subdivisions as provided by the Act (20 ILCS 3305/1 et seq.). The Coordinator-Chief shall be responsible for preparing and updating the Village's Emergency Operations Plan, which plan shall be approved by resolution of the President and Board of Trustees.

(G) Service as mobile support team. All or any members of the ~~ESDA~~DHSEM organization may be designated as members of a mobile support team created by the

Director of the IEMA as provided by law, to aid and to reinforce the IEMA and emergency services and disaster agencies in areas stricken by disaster. Personnel of a mobile support team, while on duty pursuant to such a call or while engaged in regularly scheduled training exercises, shall, if they are an employee of the Village, have the powers, duties, rights, privileges and immunities, and receive the compensation incidental to their employment, and if not an employee of the Village, shall be entitled to at least \$1 per year compensation from the state.

(H) Emergency action. A proclamation of a disaster by the Governor shall activate the State Emergency Operations Plan and the Village's Emergency Operations Plan, and shall be authority for the deployment and use of any forces that the plan applies and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available under the Act (20 ILCS 3305/1 *et seq.*) or other provision of law relating to disasters.

(I) Local disaster declaration. Only the Village President, President Pro Tem, or the President's emergency interim successor may declare a local disaster. It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the Board of Trustees. 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. The effect of a declaration of a local disaster is to activate the emergency operations plan of the ESDADHSEM and to authorize the furnishing of aid and assistance thereunder.

(J) Mutual aid agreements. The Coordinator-Chief of the ESDADHSEM may, in collaboration with other public agencies within the immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions in the state for reciprocal disaster response and recovery assistance 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 the political subdivisions. The arrangements shall be consistent with the State Emergency Operations Plan and state emergency management program, and, in the event of a disaster, it shall be the duty of each emergency management agency to render assistance in accordance with the provisions of the mutual aid agreements.

(K) Reimbursement by state. The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the Village for expenses incident to training members of the ESDADHSEM as prescribed by the State Director of IEMA, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director, as provided by law, and any other reimbursement made by the state incident to ESDADHSEM activities as provided by law.

(L) Purchase and expenditures. The Village President and Board of Trustees may, on recommendation of the Coordinator-Chief or on their own motion, enter into contracts or incur obligations necessary to place the Village in a position to effectively combat any disaster, as defined in Section 4 of the Act (20 ILCS 3305/4), and to protect the public health and safety, protect property, and provide emergency assistance to victims of disasters. In the event of a disaster, the Village President and Board of Trustees may exercise the above powers, in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary

workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property, as authorized by Section 10(j) of the Act (20 ILCS 3305/10(j)). Nothing contained in this section shall be construed to limit the Village President's authority to apply for, administer and expend grants, gifts or payments in aid of disaster mitigation, preparedness, response and recovery."

SECTION 3: Subsection 30.12(D)(1)(b)(9)(Standing Committees; Standing Committees Established; Committee of the Whole of the Board of Trustees) of the Maywood Village Code is amended to read in its entirety as follows (new text is marked with underlining; deletions to existing text are marked using strikethrough):

"9. Review and advise the Board of Trustees on the operations and policies of the Emergency Services and Disaster Agency Department of Homeland Security and Emergency Management of the Village."

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: To the extent necessary, all table of contents, indexes, headings and internal references or cross-references to sections contained in the Maywood Code of Ordinances that have been deleted or amended by the Code Amendments set forth above shall be amended by the Village's codifier so as to be consistent with the Code Amendments of this Ordinance.

SECTION 7: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

ADOPTED this 16th day of November, 2021, pursuant to a roll call vote as follows:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: None

APPROVED this 16th day of November, 2021, by the Village President of the Village of Maywood, and attested by the Village Clerk on the same day.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

Published by me in pamphlet form this 17th day of November, 2021.

Gwaine Dianne Williams, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2021-31

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF
CHAPTER 30 (VILLAGE ADMINISTRATION) AND CHAPTER 37 (CIVIL EMERGENCIES)
OF TITLE 3 (ADMINISTRATION) OF THE MAYWOOD VILLAGE CODE
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which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 16th day of November, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 16th day of November, 2021.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford,
A. Peppers and I. Brandon

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 17th day of November, 2021.

Gwaine Dianne Williams, Village Clerk

[SEAL]