

**REPORT OF THE COMMITTEE ON HOMELAND SECURITY AND  
EMERGENCY MANAGEMENT**

**February 15, 2012**

The Honorable,  
The Board of Commissioners of Cook County

**ATTENDANCE**

Present: Chairman Tobolski, Vice Chairman Gainer, Commissioners Beavers, Daley, Gorman, Goslin, Schneider, Silvestri, Sims and Suffredin (10)

Absent: Commissioners Butler, Collins, Fritchey, Garcia, Murphy, Reyes and Steele (7)

Also Present: Patrick Driscoll, Jr. – Deputy State’s Attorney, Chief, Civil Actions Bureau

Ladies and Gentlemen:

Your Committee on Homeland Security and Emergency Management of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, February 15, 2012 at the hour of 9:55 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and upon adoption of this report, the recommendation is as follows:

316281 AN AMENDMENT TO CHAPTER 26 EMERGENCY MANAGEMENT AND SERVICES, SEC. 26-31 THROUGH SEC. 26-43 (PROPOSED ORDINANCE AMENDMENT). Transmitting a Communication, dated December 27, 2011 from Michael Masters, Executive Director, Department of Homeland Security and Emergency Management, sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jeffrey R. Tobolski, County Commissioner:

respectfully submitting a Proposed Ordinance Amendment to change the department head title and add authorization to enter into training agreements.

The following is a synopsis of the Proposed Ordinance.

**PROPOSED ORDINANCE AMENDMENT**

**DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY  
MANAGEMENT DEPARTMENT HEAD TITLE CHANGE AND  
AUTHORIZATION TO ENTER INTO TRAINING AGREEMENTS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 26 Emergency Management and Services, Section 26-31 through 26-43 of the Cook County Code is hereby amended as follows:

**Sec. 26-31. Establishment.**

(a) There is hereby created the Cook County Department of Homeland Security and Emergency Management (DHSEM) 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 shall consist of the ~~Coordinator~~ 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 ~~members~~ employees as may be selected by the ~~Coordinator~~ the President or Executive Director per the County's hiring rules.

**Sec. 26-32. ~~Coordinator~~ Executive Director.**

(a) The ~~Coordinator~~ Executive Director of the DHSEM shall be appointed by the President of the County Board of Commissioners and shall serve until removed by the President.

(b) The ~~Coordinator~~ Executive Director shall have direct responsibility for the organization, administration, training and operation of the DHSEM, subject to the direction and control of the President, including the preparation by the DHSEM of an emergency operations plan consistent with the National Incident Management System (NIMS), as adopted by Resolution No. 05-R-464.

(c) The ~~Coordinator~~ Executive Director shall possess all powers and duties set forth for the ~~Coordinator~~ 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 ~~Coordinator~~ Executive Director, the President or any person designated by him or her shall be and act as ~~Coordinator~~ Executive Director until a new appointment is made as provided in this article.

**Sec. 26-33. Functions.**

(a) The DHSEM 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 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 shall be responsible for engaging in emergency preparedness and response activities within their jurisdictions. Political subdivisions which maintain a non-mandated emergency services and disaster agency not accredited by the IEMA may apply to DHSEM for certification, in which case each such political subdivision shall biennially submit an emergency operations plan to DHSEM 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, in accordance with Section 10 of the IEMA Act (20 ILCS 3305/10).

(c) The DHSEM 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) ~~The Coordinator~~ Executive Director, in consultation with the Purchasing Agent 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 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) ~~The Coordinator~~ Executive Director of DHSEM may negotiate Mutual Aid Agreements with other political subdivisions and taxing districts of the State as well as agreements with nongovernmental organizations, provided such agreements are consistent with the State Emergency Operations Plan and emergency management program, but no such agreement shall be effective until it has been approved by the County Board. The ~~Coordinator~~ Executive Director shall be authorized to enter into Memoranda of Understanding, setting forth the agreed roles of the parties thereto with respect to preparedness and response activities within Cook County without further approval by the Board.

(b) The Executive Director or his/her designee is authorized to negotiate and execute agreements with other governmental units, nonprofit and volunteer groups, and private parties for the purpose of procuring and providing training and curriculum development for first responder agencies throughout Cook County, as appropriated, and including provisions providing indemnification.

**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 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 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.

**Sec. 26-37. Compensation.**

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

(a) Any reimbursement by the State or Federal governments to the County for expenses incident to training members of the DHSEM 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 emergency management activities and costs.

**Sec. 26-39. Emergency powers of President and ~~Coordinator~~ 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, in coping with the disaster.
- (3) To enter into contracts and incur obligations, on recommendation of the ~~Coordinator~~ 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 ~~Coordinator~~ Executive Director of DHSEM 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 organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the ~~Coordinator~~ 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, 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 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 ~~Coordinator~~ 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 ~~Coordinator~~ 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, 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 ~~Coordinator~~ Executive Director and the DHSEM 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.

**Effective date:** This Amended Ordinance shall be in effect immediately upon adoption.

**\*Referred to the Committee on Homeland Security and Emergency Management on 1-18-2012.**

**Commissioner Silvestri, seconded by Vice Chairman Gainer, moved Approval of Communication No. 316281. The motion carried.**

Chairman Tobolski asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd):

1. George Blakemore – Concerned Citizen

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Daley. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication Number 316281

Approved

Respectfully submitted,  
Committee on Homeland Security and  
Emergency Management



Jeffrey R. Tobolski, Chairman

Attest:



Matthew B. DeLeon, Secretary

\* The audio recording for this meeting is available from the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.