

## Request for City Council Action

**Date: July 28, 2015**

<b>Agenda Section:</b> Consent Agenda  <b>No. 5</b>	<b>Originating Department:</b> Fire Department
<b>Item:</b> Ordinance Amending Title 1, Chapter 14 of the Carbondale Revised Code as it Relates to Renaming the Emergency Management Services  <b>No. 5.9</b>	<b>Approved:</b>

**Background:**

In 1998 the City of Carbondale established Carbondale Emergency Management Services (CEMS) as a Division within the Fire Department. The purpose of the CEMS Division is to ensure the City will be prepared to deal with any civil emergency and to protect the public peace, health, and safety in the event of such a disaster. It is the duty of the CEMS Coordinator to prepare and maintain the City's Emergency Operations Plan, develop the City's emergency awareness and public information programs, establish mutual aid agreements and act as a liaison with State and Federal Agencies.

In recent years public safety organizations have become increasingly reliant upon the use of acronyms when identifying agencies and types of services. As a result of frequency of use and familiarity of most with pre-hospital care, the acronym EMS has become synonymous with Emergency Medical Services, thus causing confusion for the CEMS Division, as well as other agencies and the public. Carbondale Emergency Management Services is regularly confused with Carbondale Emergency Medical Services. It is for this reason that CEMS is requesting a name change to the Carbondale Office of Emergency Management. The Office of Emergency Management title is commonly used by emergency management agencies across the nation and leaves little doubt about the nature of the agency.

There are no expenses associated with the name change, and staff time required to make revisions to the City Code, Emergency Operations Plan and operational forms will be minimal.

**Recommended Action:**

It is recommended that the City Council approve an ordinance amending Title 1, Chapter 14 of the Carbondale Revised Code changing the title of Carbondale Emergency Management Services to Carbondale Office of Emergency Management.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
-------------------------------------	---------------------------------	-------------------------------	----------------------	-----------------------------------

Council Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_ to \_\_\_\_\_

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2015- \_\_\_\_**

**AN ORDINANCE AMENDING TITLE ONE OF THE CARBONDALE REVISED  
CODE AS IT RELATES TO CARBONDALE EMERGENCY MANAGEMENT  
SERVICES**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THE 28<sup>TH</sup> DAY OF JULY, 2015**

**Published in pamphlet form by authority of the City Council of the City of Carbondale,  
Jackson County, Illinois, this 29<sup>th</sup> day of July, 2015.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,  
Illinois, and the official custodian of the records of said City, do hereby certify that this  
ordinance was published in pamphlet form by authority of the City Council on the 29<sup>th</sup> day  
of July, 2015.**

---

**Jennifer R. Sorrell, City Clerk**

**ORDINANCE NO. 2015-\_\_\_\_**

**AN ORDINANCE AMENDING TITLE ONE OF THE CARBONDALE REVISED CODE AS IT RELATES TO CARBONDALE EMERGENCY MANAGEMENT SERVICES**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City Code of the City of Carbondale, Illinois, under Title 1, Chapter 14, Article H. defines Carbondale Emergency Management Services; and

**WHEREAS**, the acronym used for Carbondale Emergency Management Services (CEMS) is frequently confused with other services and agencies; and

**WHEREAS**, the City Council of the City of Carbondale finds that it is in the best interest of the City of Carbondale to amend the title of Carbondale Emergency Management Services (CEMS) to Carbondale Office of Emergency Management (COEM) established in Article H of Chapter 14 of Title 1 of the Carbondale Revised Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:**

**SECTION 1.** That Title 1, Chapter 4, Article H of the Carbondale Revised Code is hereby amended as shown in Exhibit “A” attached hereto and made a part hereof.

**SECTION 2.** All of the remaining sections of Title 1 of the Carbondale Revised Code shall remain in full force and effect.

**SECTION 3.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 4.** That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
P. Michael Kimmel, City Attorney

CHAPTER 14

BOARDS AND COMMISSIONS

**ARTICLE H. ~~CARBONDALE EMERGENCY MANAGEMENT SERVICES~~  
CARBONDALE OFFICE OF EMERGENCY MANAGEMENT**

SECTION:

- 1-14H-1: Purpose
- 1-14H-2: Definition
- 1-14H-3: Establishment
- 1-14H-4: Coordinator
- 1-14H-5: Functions, Duties and Responsibilities
- 1-14H-6: Service of Mobile Support Team
- 1-14H-7: Oath of Service
- 1-14H-8: Declaration of a State of Civil Emergency
- 1-14H-9: Mayor's Authority During Civil Emergency
- 1-14H-10: Procurement of Goods and Services
- 1-14H-11: Purchases and Expenditures
- 1-14H-12: Appropriation; Levy of Taxes

1-14H-1: **PURPOSE:** It is the declared purpose of this Article to provide for the preparation and implementation of plans for the protection of persons and property within the City in the event of a civil emergency; the direction of the ~~Carbondale Emergency Management Services~~ Carbondale Office of Emergency Management; the coordination of the ~~Carbondale Emergency Management Services~~ Carbondale Office of Emergency Management with all other public agencies, corporation, organizations and affected private persons. This Article will assure the general well-being of the people of Carbondale. (1998 Code)

1-14H-2: **DEFINITION:** As used in this Article, "civil emergency" shall mean the actual or threatened existence of conditions of peril to the safety of persons and property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, toxic spill, or water contamination requiring emergency action to avert danger, damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or critical shortages of essential fuels and energy. (1998 Code)

1-14H-3: **ESTABLISHMENT:** There is hereby created the ~~Carbondale Emergency Management Services (CEMS)~~ Carbondale Office of Emergency Management (COEM) to ensure that the City will be prepared to deal with any civil emergency and protect the public peace, health, and safety in the event of such a disaster. (1998 Code)

1-14H-4: **COORDINATOR:** The ~~CEMS~~ COEM shall consist of the Coordinator who shall be appointed by the City Manager and such other employees as may be determined by the Coordinator with the approval of the City Manager. In the event of the absence of the Coordinator, the City Manager, or his designee, shall act as Coordinator until a new appointment is made. (1998 Code)

1-14H-5: **FUNCTIONS, DUTIES AND RESPONSIBILITIES:** The Coordinator of ~~CEMS~~ COEM shall have the following duties and responsibilities and perform the following functions:

- A. Prepare and distribute a clear and complete statement of the emergency disaster plan for the City which shall conform to the Illinois Emergency Management Agency and regulations which may be promulgated by the Governor. In complying with 20 Illinois Compiled Statutes 3305/10 (f), a copy of this statement shall be prepared and distributed annually to the Director of the Illinois Emergency Management Agency for the State of Illinois;
- B. Develop and direct the City's emergency awareness and public information program;
- C. Negotiate mutual aid agreements with other political subdivisions in the State, which shall require approval by the City Council and the Director of the Illinois Emergency Management Agency;
- D. Conduct activities outside the corporate limits of the City as may be required, pursuant to any mutual aid agreements which may be entered into between the City and other political subdivisions regarding the Agency. If any such agreements are entered into, the Coordinator shall inform the City Attorney's office promptly as to the nature and extend of the agreement;
- E. Recommend the declaration of a state of civil emergency by the Mayor and to inform the Mayor of the reasons for and status of events requiring the declaration;
- F. Cooperate fully with the State and Federal Emergency Management Agencies and the Governor in the event the Governor declares that an emergency exists;
- G. Prepare, for the issuance by the Mayor, orders, proclamations and regulations as necessary or appropriate in coping with disasters;
- H. Develop rules and requirements for the City emergency operating plan, in accordance with State and Federal guidelines;
- I. Establish a register of persons with types of emergency management training skills and equipment in mitigation, preparedness, response and recovery;
- J. Establish a list of government and private response resources available for use in the event of a disaster; and

- K. Do anything else necessary to fulfill his duties under Municipal, State, and Federal laws. (1998 Code)

1-14H-6: **SERVICE OF MOBILE SUPPORT TEAM:**

- A. All members of the City organization may be designated as members of the mobile support team created by the Director of the Illinois Emergency Management Agency.
- B. Any City employee or officer serving as a member of a mobile support team at the request of the Governor, Mayor, or the Director of the Illinois Emergency Management Agency shall receive compensation and have the powers, duties, rights and immunities incident to the employment or office with the City. (1998 Code)

1-14H-7: **OATH OF SERVICE:** Every person hired or appointed to serve in any capacity in the ~~CEMS~~ COEM organization shall, before entering upon his duties, take the oath, in writing, as set forth in 20 Illinois Compiled Statutes 3305/20. The oath shall be filed with the Coordinator. (1998 Code)

1-14H-8: **DECLARATION OF A STATE OF CIVIL EMERGENCY:**

- A. The Mayor, Mayor Pro Tem, or City Manager, in the order named, shall have the authority to declare a state of civil emergency by means of a written declaration setting forth the facts which constitute the civil emergency, which shall be filed in the office of the City Clerk.
- B. Upon the absence or unavailability of the Mayor, the Mayor Pro Tem may issue the written declaration; and upon the absence or unavailability of the Mayor and Mayor Pro Tem, the City Manager may issue the written declaration.
- C. Any declaration of civil emergency and all emergency regulations activated under the provisions of the Article shall be effective for a period of seven (7) days unless sooner terminated by the Mayor. The declaration may be continued or renewed for additional periods of seven (7) days with the approval of the City Council.
- D. A declaration of civil emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk. (1998 Code)

1-14H-9: **MAYOR'S AUTHORITY DURING CIVIL EMERGENCY:** The Mayor's authority upon declaration of a civil emergency shall include, but shall not be limited to the following:

- A. To order an evacuation in the face of fire, earthquake, toxic spill, flood or other similar threat.
- B. To seal off threatened or damaged areas of the City.

- C. To enter upon private property if such action is deemed necessary for the preservation of life or other disaster mitigation, response or recovery.
- D. To close any and all retail or wholesale business.
- E. To commandeer citizens to assist in the fight against the civil emergency.
- F. To commandeer vehicles, boats, pumps, buildings or any other private property when necessary.
- G. To proclaim a general curfew applicable to such geographical areas of the City, or the City as a whole, if such is necessary in the interest of public safety and welfare.
- H. To prohibit the sale of merchandise, goods or services at more than the normal average retail price.
- I. To suspend the provisions of any Municipal ordinance proscribing procedures for the conduct of Municipal business, or the orders, rules and regulations of any Municipal agency if strict compliance with the provisions of any ordinance, rule or regulation would prevent, hinder, or delay necessary action in coping with the emergency. (1998 Code)

1-14H-10: **PROCUREMENT OF GOODS AND SERVICES:** In carrying out the provisions of this Article, the Mayor may authorize the taking of property on behalf of the City; provided, however, that simultaneously with such taking, a signed statement is delivered to the owner or agent, which shall include the name and address of the owner, the date and place of the taking and if possible, a sum the owner is willing to accept as just compensation for the property or the use thereof. When the compensation to be paid for the taking or use of property or interest cannot be determined, the determination shall be made pursuant to 20 Illinois Compiled Statutes 3305/7(a)(4)b and (a)(4)c. (1998 Code)

1-14H-11: **PURCHASES AND EXPENDITURES:** In carrying out the provisions of this Article, the Coordinator, with the approval of the City Manager, may exercise such power necessary to protect life and property without regard to the procedures and formalities normally prescribed pertaining to the performance of public work, entering into contracts, the incurring of obligation, employment of temporary workers, rental of equipment, or the purchase of supplies and materials. (1998 Code)

1-14H-12: **APPROPRIATION; LEVY OF TAXES:** The City Council may make an appropriation for ~~CEMS~~ COEM purposes in the manner provided by law, and any additional levy for ~~CEMS~~ COEM purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Agency Act of 1992<sup>1</sup>, as amended; however, the amount collectable under such levy shall, in no event, exceed twenty five cents (\$0.25) per capita. (1998 Code)