

TO: Ray Spencer, Piatt County Board Chairman
FR: Dana Rhoades, Piatt County State's Attorney
RE: Emergency Management Agency
DATE: 10-11-19

Chairman Spencer:

I have reviewed and am attaching here the research my office has conducted concerning the statutory and ordinance responsibilities that Piatt County has concerning the maintenance of the Emergency Management Agency (EMA). As we have discussed, the formation of the EMA and the continuing duty to support the program is not an optional situation under our existing state laws and county ordinance.

In addition, today my office made contact with Bill Conway, the Chief of the Bureau of Nuclear Facility and Local REP (Radiological Emergency Preparedness) Planning for IEMA, State of Illinois. Mr. Conway first pointed out to us the Illinois Emergency Management Agency statute, which I discuss in detail below, that mandates each Illinois county to have an EMA. Also, he pointed out that Piatt county is a support county of the Dewitt County nuclear power plant. Piatt County is part of the 10-mile radius/planning zone, in which Dewitt County is the decision maker and will coordinate with Piatt, McLean, and Macon county EMAs, in the event of a nuclear emergency. Due to this responsibility that we have, Piatt County is eligible for and receives a REP grant. This is a pre-approval grant, not a reimbursement grant, so the Piatt County EMA receives the grant to address equipment, personnel, training, and exercise needs; but the grant amount is based on a list of necessary items and tasks to be completed, and then the award amount is reviewed and approved, prior to anything being acquired.

I hope this information is helpful to you in the planning you are tasked to do. Please do not hesitate to contact me with any questions you may have.

MEMORANDUM REGARDING PIATT COUNTY EMERGENCY MANAGEMENT AGENCY

LEGAL FOUNDATIONS:

1. The Illinois Emergency Management Agency (IEMA) is a state agency created and updated in the Illinois Compiled Statutes in Chapter 20, beginning at section 3305.
2. The term "Emergency Management Agency" replaces what was formerly known as "Emergency Services and Disaster Agencies" or "ESDA." The update in the name and services came about post 9-11-01, when terrorism, and, in particular, bombing, became a part of the disaster responses that the United States had to undertake to prepare for and to mitigate damages.

3. The IEMA statute directs coordination in emergency responses to natural and man-made disasters, including severe weather (tornados, winter storms, droughts), flooding, fire, nuclear and radiological accidents, search and rescue missions, as well as epidemic and pandemic health issues. Hazardous material releases are also under the jurisdiction of IEMA, including the spills or leaks of anhydrous ammonia, crude oil, ethanol, and sulfuric acid.
4. The IEMA statute directs that each political subdivision within the State shall be served by IEMA and an emergency management agency responsible for emergency management programs.
5. In 1989, the Piatt County Board enacted Ordinance Section 32.20 as follows, in part:
 - (A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in neighboring states of atomic or other means from without or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or technological causes, and in order to ensure that the county will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people or the county and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:
 - (1) To create a County Emergency Services and Disaster Agency (now Emergency Management Agency or EMA) and to authorize the creation of emergency services and disaster agencies in the political subdivisions of the county;
 - (2) To confer upon the County Board Chairman and upon the principal executive officer of the political subdivisions of the county (ie. mayors, village board presidents) the powers provided herein; and
 - (3) To provide for the rendering of mutual aid among the political subdivisions of the county and with other counties and with respect to the carrying out of an emergency management system.
 - ...
 - (F) Each emergency services and disaster agency (EMA) **shall have** a Coordinator (now Director), who shall be appointed by the principal executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. The Coordinator (Director) shall have direct responsibility for the organization, administration, training, and operation of the emergency services and disaster agency (EMA), subject to the direction and control of the principal executive officer. Each emergency services and disaster agency (EMA) shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the County Emergency Operations Plan, and programs, orders, rules, and regulations as may be promulgated by the State Emergency Services and Disaster Agency and, in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to mutual aid agreements.
6. In 1989, the Piatt County Board enacted Ordinance Section 32.26 as follows, in part:

(A) The Coordinator (Director) of each emergency services and disaster agency may, in collaboration with other public agencies within his or her immediate vicinity, develop or cause to be developed, mutual aid arrangements with other political subdivisions within this state for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted.

7. The Emergency Telephone Systems Act, 50 ILCS 750/15.4, as it references EMA, indicates in section 15.4 (a) as follows: Except as provided in subsection (e) of this Section, the corporate authorities of any county or municipality may establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) may be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies (now EMA), and appointed on the basis of their ability or experience.
8. The EMA Director position has developed significant responsibilities, involving collaborative work with law enforcement agencies, emergency medical services, and fire departments. In 2019, the Director position includes the responsibility for:
 - a. Developing and maintaining an Emergency Operations Plan for Piatt County (updated every 2 years), including the development of the Local Emergency Planning Committee and Hazardous Materials Annex;
 - b. Developing and utilizing ILCATT—the Illinois Capability and THIRA Tool (threat and hazard identification risk assessment);
 - c. Maintaining accreditation through IEMA for Piatt County;
 - d. Developing a response to the release of hazardous materials into air and soil, appropriate for the population and resources in Piatt County and focused on threats presented by and to roads, railways, and pipelines;
 - e. Developing a continuity of operations program, including continuity of government functions, in the event of a natural or manmade disaster;
 - f. Working with Sheriff Hunt to develop an Emergency Operations Center (EOC) at the Piatt County Sheriff's Office, based on the proximity to the 9-1-1 communications network;
 - g. Working with Champaign and Douglas counties, as well as with Dewitt-McLean-Macon counties on issues of concern to the counties working together and sharing resources;
 - h. Developing public information and warning systems, commensurate with the current resources and technology;
 - i. Applying for and maintaining grants to assist in payment for technology, equipment, salary reimbursement, and training, including, but not limited to:
 - i. EMP (Emergency Management Preparedness) grant, and
 - ii. REP (Radiological Emergency Preparedness) grant, and
 - iii. HMEP (Hazard Mitigation Emergency Preparedness) grant;

- j. Continue to develop training modalities for disaster responders, including training for county executive and senior officials, active shooter/hostile event response (ASHER training involving law enforcement, fire and rescue personnel, school officials, and public health department representatives);
- k. Reviewing and articulating command structure in incident response systems and providing specific training for the Public Information Officer to assist in the unified agreed release of information to media during an emergency response;
- l. Establishing volunteer management (including production of official identification for personnel allowed on scene in an emergency and overseeing community efforts to provide food and water for emergency responders);
- m. Serving on-call 24 hours per day, 7 days a week to respond to pager calls to respond to emergencies, including, but not limited to: hazmat responses, structure fires, missing person reports, active shooter, bomb threats, terrorism calls, any incidents involving the railroad or the pipeline, weather warnings, train derailment, evacuation events.
- n. Monitoring live weather conditions and reporting ground truth conditions directly to the National Weather Service, Lincoln, IL and reporting to neighboring counties via Starcom radio.