



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: IC

Title:

Recommendation to approve an Ordinance Confirming and Extending a Declared State of Emergency within the City of St. Charles Due to the COVID-19 Pandemic until the next regularly scheduled City Council Meeting (August 3, 2020)

Presenter:

Mark Koenen, City Administrator

Meeting: City Council

Date: July 20, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

As result of the recent COVID-19 pandemic and the anticipated future impacts of this world crisis, the City Council of St. Charles recognizes the potential disruption to City operations that will likely be caused by this public health emergency in the near future. The Illinois Municipal Code, 65 ILCS 5/11-1-6, provides for the declaration of a state of emergency and the grant of extraordinary authority to the Mayor by the corporate authorities; and the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor.

It is the policy of the City of St. Charles that the City will be prepared to address any emergencies and, therefore, pursuant to Section 5/11-1-6 of the Illinois Municipal Code, Section 20 ILCS 3305/11 of the Illinois Emergency Management Agency Act and Sections 2.34, entitled "Civil Emergency," and 2.36, entitled "Emergency Management Agency of the Code of the City," it is necessary and appropriate to establish standards for the determination of whether a state of emergency exists authorizing the Mayor to exercise extraordinary power and authority, by executive order, during the possible state of emergency, to ensure that the effects are mitigated and minimized and that residents and visitors in the City remain safe and secure.

On March 18, the City Council approved Ordinance 2020-M-11 Establishing Temporary Executive Powers Pursuant to 65 ILCS 5/11-1-6, 20 ILCS 3305/11 and Sections 2.34 and 2.36 of the City of St. Charles Code.

On April 6, 2020 the City Council approved Ordinance 2020-M-12 Confirming and Extending a Declared State of Emergency Within the City of St. Charles Due to the COVID-19 Pandemic.

On April 27, 2020, the City passed Ordinance 2020-M-15, confirming and extending to and until May 30, 2020 a declared state of emergency within the City due to the COVID-19 pandemic.

On May 28, 2020 the City passed Ordinance 2020-M-22, confirming and extending to and until June 15, 2020 a declared State of Emergency Within the City of St. Charles due to the COVID-19 Pandemic.

On June 15, 2020 the City passed Ordinance 2020-M-24, confirming and extending to until July 20, 2020 a declared state of Emergency Within the City of St. Charles due to the COVID-19 Pandemic.

Attachments *(please list):*

Ordinance

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve an Ordinance Confirming and Extending a Declared State of Emergency within the City of St. Charles Due to the COVID-19 Pandemic until the next regularly scheduled City Council Meeting (August 3, 2020)

City of St. Charles, Illinois
Ordinance No. _____

**An Ordinance Confirming and Extending a Declared State of Emergency
within the City of St. Charles Due to the COVID-19 Pandemic**

WHEREAS, the City of St. Charles (“City”) has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation declaring a state of emergency throughout the State of Illinois as a result of the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, the City passed Ordinance No. 2020-M-11, establishing temporary executive powers and the Mayor of the City declared a state of emergency within the City pursuant to 65 ILCS 5/11-1-6, 20 ILCS 3305/11 and Sections 2.34 and 2.36 of the City Code of the City; and

WHEREAS, on April 27, 2020, the City passed Ordinance No. 2020-M-15, confirming and extending to and until May 30, 2020 a declared state of emergency within the City due to the COVID-19 pandemic; and

WHEREAS, on May 28, 2020 the City passed Ordinance No. 2020-M-22, confirming and extending to and until June 15, 2020 a declared state of emergency within the City due to the COVID-19 Pandemic.

WHEREAS, on June 15, 2020 the City passed Ordinance No. 2020-M-24, confirming and extending to and until July 20, 2020 a declared state of emergency within the City due to the COVID-19 Pandemic.

WHEREAS, while the City is currently responding to this COVID-19 pandemic, it is deemed necessary and in the interest of the people of the City, in accordance with the City’s responsibility to ensure public health and safety and pursuant to the authority vested in the City pursuant to the Illinois Constitution, including Article VII, Section 6 of the 1970 Illinois Constitution, the laws of the State of Illinois, including Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, Sections 11-1-6, 11-20-5, 8-10-5 and 10-3-6, among others, of the Illinois Municipal Code and Sections 2.34 and 2.36 of the Code of the City, to consent to the declaration that an emergency exists within and a disaster exists in the City and renew and continue the emergency powers of the Mayor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. RECITALS. The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

2. DECLARATION OF AN EMERGENCY AND DISASTER. It is hereby determined that it is advisable, necessary and in the best interest of the City that the findings, determination and declaration of the Mayor on March 18, 2020, as extended, that a state of emergency and a disaster exists in the City due to the coronavirus disease (COVID-19) outbreak continues to exist and that the actions taken by the Mayor resulting from and in furtherance of that declaration, including but not limited to COVID-19 Executive Order No. 5, allowing with ample outdoor lighting outdoor dining to close no later than as permitted under the applicant's current liquor license in keeping with Phase 4 of the Governor's Restore Illinois Plan, dated June 26, 2020, as amended, be and is hereby ratified and affirmed.

3. EXECUTIVE ORDER. The Mayor shall be and is hereby authorized and directed to continue to exercise by executive order the extraordinary emergency powers and authority as conferred and as may be reasonably necessary to respond to the emergency during the time that this state of emergency exists.

4. DURATION. This Ordinance shall remain in effect until the next regularly City Council meeting, provided that the Ordinance shall immediately cease to be effective upon a declaration by the Governor or the Mayor that the state of emergency related to the COVID-19 pandemic no longer exists.

5. AUTHORITY TO EXECUTE AND ENFORCE. The officials, officers, employees and agents of the City are authorized to take such actions and execute such documents as are necessary to carry out the purpose and intent of this Ordinance. The Mayor, police officers, and all other officers and employees of the City shall enforce the rules and regulations so adopted and orders issued by the Mayor pursuant to this Ordinance.

6. NOTICE. Upon issuing the proclamation herein authorized, the City Clerk shall notify the news media situated within the City, and shall cause copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City: City Hall and the police station.

7. SEVERABILITY. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 20th day of July, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this 20th day of July, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 20th day of July, 2020.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain: