



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: IU

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

Presenter: Mark Koenen

Meeting: City Council

Date: April 27, 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.

The City now desires to confirm and extend the State of Emergency and continue the Mayor's extraordinary powers by executive order during a state of emergency within the City. The duration for this extension is the duration of the Emergency Declaration. However, if the Governor or Mayor deems the State of Emergency no longer exists, the Ordinance shall cease.

Included with the Ordinance is Executive Order No. 2. This Order addresses face coverings, parroting the Governor's directive published on April 23. Additionally, the Mayor's Order includes a "Penalty" should the Police Department find it necessary to enforce this Order. The goal of the Mayor's Order is not the penalty, rather a tool to cause a modification of behavior and compliance with the Governor's Order.

Attachments *(please list):*

Ordinance

Executive Order in Response to COVID-19 Emergency Face Covering Measures (COVID-19 Executive Order No. 2)

Recommendation/Suggested Action *(briefly explain):*

Approve an Ordinance Confirming and Extending a Declared State of Emergency Within the City of St. Charles Due to the COVID-19 Pandemic

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 6, 2020, the City passed Ordinance No. 2020-M-12, confirming and extending to and until May 4, 2020 a declared state of emergency within the City due to the COVID-19 pandemic; and

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. 2, Emergency Face Covering Measures, be and are 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 through May 30, 2020, 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.

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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 27th day of April, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this 27th day of April, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 27th day of April, 2020.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

City of St. Charles
Office of the Mayor
St. Charles, Illinois

April 24, 2020

Executive Order 2020-2

**EXECUTIVE ORDER IN RESPONSE TO COVID-19
EMERGENCY FACE COVERING MEASURES
(COVID-19 EXECUTIVE ORDER NO. 2)**

WHEREAS, COVID-19 (a/k/a Novel Coronavirus) is a severe respiratory illness caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a threat to the health and safety of the residents of the City of St. Charles; and

WHEREAS, no drug or vaccine is currently available to treat or prevent COVID-19; and

WHEREAS, on January 27, 2020, United States Department of Health and Human Services Secretary Alex Azar declared a national public health emergency due to COVID-19; and

WHEREAS, on March 9, 2020, Illinois Governor J.B. Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including Kane and DuPage Counties, are disaster areas due to the Novel Coronavirus; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 to be a global pandemic; and

WHEREAS, on March 13, 2020, President of the United States Donald Trump issued a declaration of a national emergency due to the growing COVID-19 crisis in the United States, and on March 26, 2020, President Trump issued a major disaster declaration for the State of Illinois due to the COVID-19 crisis; and

WHEREAS, on March 20, 2020, Governor Pritzker issued an Executive Order requiring all non-essential persons to stay at home with limited exceptions and non-essential businesses to cease operations with limited exceptions, which was recently extended to May 30, 2020 (“Stay at Home Order”); and

WHEREAS, on March 18, 2020, Raymond P. Rogina, as Mayor of the City of St. Charles (“City”) issued a Declaration of a Local State of Emergency for the City to address the impact of COVID-19 on the City and its residents and businesses and property owners (“Emergency Declaration”); and

WHEREAS, the Emergency Declaration provides the Mayor with, among other powers, the authority “to take any and all actions and issue any order as is imminently necessary for the protection of life, property, health, safety, and public welfare; and

WHEREAS, the WHO has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and droplets can also be generated by talking, laughing, or exhaling; and

WHEREAS, the Center for Disease Control (“CDC”) has stated that people experiencing no symptoms can spread COVID-19 more widely than previously thought, and that people are the most contagious before they start showing symptoms; and

WHEREAS, on April 3, 2020, the CDC announced that it recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (*e.g.*, grocery stores and pharmacies); and

WHEREAS, the U.S. Surgeon General acknowledged that there is a significant amount of asymptomatic spread and recommends that individuals use face coverings to reduce the spread of COVID-19; and

WHEREAS, the Director of the National Institute of Allergy and Infectious Diseases has further recommended that individuals wear facial coverings to prevent individuals from infecting others; and

WHEREAS, the number of individuals in Illinois infected with COVID-19 continues to increase regularly, and often daily, and each day COVID-19 continues its spread constitutes a separate occurrence of this natural disaster; and

WHEREAS, preparedness, response, and recovery from the COVID-19 virus are of paramount importance and the virus has the risk of substantially endangering the health, safety, and property of the citizens of the City of St. Charles.

THEREFORE, pursuant to the authority vested in the Office of Mayor by the Illinois Municipal Code (65 ILCS 5/11-1-6), the Illinois Emergency Management Agency Act (20 ILCS 3305/1), the City Code of the City of St. Charles (Secs. 2.34 and 2.36), the Emergency Declaration issued on March 18, 2020, and the findings set forth above, I, Raymond P. Rogina, Mayor of the City of St. Charles, in an effort to encourage people to be courteous of one another, protect essential workers, and the overall health and safety of the public, do hereby order the following:

A. Covering of Nose and Mouth. Except as provided in Subsection B, all persons over the age of two are required to wear some form of covering over their nose and mouth (such as a homemade mask, scarf, bandana, or handkerchief) while engaging in the following activities:

1. Working in Essential Businesses and Operations (as defined by Governor Pritzker’s Stay at Home Order) that are open to the public or when employees have contact with the public to include, without limitation, grocery stores, restaurants, hardware and supply stores, financial institutions, laundry services, essential government functions, etc.

2. In a public place where unable to practice six foot social distancing, and engaging in essential activities such as shopping for necessary supplies and services, seeking medical supplies or medication, visiting a health care professional, etc.

3. Riding in public transportation, taxis, or ride shares.

A business owner or operator may refuse admission or service to any individual who fails to wear face coverings as required by this Order.

B. Exceptions. Subsection A will not apply to any person who is engaging in the following activities:

1. Outdoor activity and permissible outdoor physical activity as defined in the Stay at Home Order (walking, hiking, running, or biking) while practicing social distancing of at least six feet from others.

2. Riding in a personal vehicle.

3. When alone or with household members in a separate single space.

4. When doing so poses a greater health, safety, or security risk to the individual or the public.

5. When drinking or eating.

C. Types of Face Coverings. Appropriate face coverings include homemade masks, scarves, bandanas, or handkerchiefs. Medical-grade masks or N95 respirators should be reserved for use by health care and medical providers and first responders.

D. Penalty. The City of St. Charles Police Department is authorized to enforce this Executive Order. Any violation of this Executive Order may subject the violator to a fine in an amount of not less than \$50.00 and not exceeding \$500.00 per each violation.

E. Severability. If any provision of the Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

The intent of this Executive Order is to further increase the wearing of face coverings when in public to reduce the spread of the COVID-19 virus, protect essential workers and all members of our community. This Executive Order does not alleviate the need for strict social distancing practices and adherence to the Stay at Home Order.

This Executive Order will be effective as of May 1, 2020, at 12:00 a.m., and shall expire at the conclusion of the earlier Emergency Declaration, as may be extended, or the Stay at Home

Order. This Executive Order will be filed with the City of St. Charles Clerk as soon as practicable.

Raymond P. Rogina, Mayor

Issued by the Mayor of St. Charles on April 24, 2020.
Filed with the City Clerk on April 24, 2020.