City of St. Charles, Illinois

Ordinance No.: 2020-M-11

An Ordinance 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.

Adopted by the

City Council

of the

City of St. Charles

March 18, 2020

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, **March 25, 2020**

City Clerk

(S E A L)

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Ordinance No. 2020-M-11

An Ordinance 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

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in China; and

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and

WHEREAS, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions such as heart disease, diabetes, or lung disease; and

WHEREAS, we are continuing our efforts to prepare for any eventuality given that this is a novel illness and given the known health risks it poses for the elderly and those with serious chronic medical conditions; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, on March 11, 2020 declared a worldwide pandemic and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 31, 2020; and

WHEREAS, State of Illinois Governor JP Pritzker issued a disaster proclamation on March 9, 2020, declaring all counties in the State of Illinois a disaster area under the Illinois Emergency Management Agency Act, 20 ILCS 3305; and

WHEREAS, the World Health Organization has reported 188,297 confirmed cases of COVID-19 and 7,499 deaths attributable to COVID-19 globally as of March 17, 2020; and

WHEREAS, the Centers for Disease Control ("CDC") currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, social distancing, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with at least 60% alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, a vaccine or drug is currently not available for COVID-19; and

WHEREAS, in communities with confirmed COVID-19 cases, the CDC currently recommends mitigation measures, including staying at home when sick, when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider and keeping away from others who are sick; and

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and

WHEREAS, as of March 16, 2020, there were 105 confirmed cases of COVID-19 in Illinois; and

WHEREAS, multiple confirmed cases of COVID-19 in Illinois has not been linked to any travel activity or to an already-confirmed COVID-19 case, which indicates community transmission in Illinois; and

WHEREAS, based on the foregoing, the corporate authorities of the City of St. Charles recognize the potential of a public health emergency in the City in the near future; and

WHEREAS, 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

WHEREAS, 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; and

WHEREAS, 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 of COVID-19 are mitigated and minimized and that residents and visitors in the City remain safe and secure; and

WHEREAS, the City now desires to provide for the exercise by the Mayor of extraordinary powers by executive order during a state of emergency within the City.

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

1. INCORPORATION. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

2. FINDINGS. The corporate authorities hereby establish standards for the determination of whether a state of emergency exists within the City of St. Charles:

a. The existence of Federal, State or County disaster proclamations, directives or advisories on COVID-19 which impact any activities within the City or specific instances of COVID-19 within the City which require action to ensure the safety of the general public or of City officials and staff; and

b. The need for immediate, emergency action which must occur before the next regular meeting of the City Council.

3. DECLARATION. If the standards enumerated in Section 2 are met, the Mayor shall provide, under oath, a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and declaring that a state of emergency exists. This statement shall be filed with the City Clerk as soon as practicable.

4. ORDERS AUTHORIZED. The corporate authorities hereby grant to the Mayor, in the event that the standards in Section 2 are met and the Mayor has provided a statement as required by Section 3, the extraordinary power and authority to exercise, by executive order, during the state of emergency, the powers of the corporate authorities as may be reasonably necessary to respond to the emergency to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the City remain safe and secure, including but not limited to those powers enumerated by Sections 2.34 and 2.36 of the City Code, and as follows:

a. All actions reasonably and expeditiously necessary to respond to the local state of emergency; and

b. Approve previously appropriated expenditures of the City for the purpose of continuing the operations of the City; and

c. In the event the local state of emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the local state of emergency;

d. Canceling meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board of commission as is specified in the cancellation notice;

e. Suspend licenses or permits for special events or any other licenses or permits issued by the City which in the judgment of the Mayor could impact the public health or well-being of residents or visitors to the community;

f. Authorize any purchase for which funds are available reasonably related to the local state of emergency;

g. Authorize to close City facilities as is reasonably required to protect the health of the public and employees of the City related to the local state of emergency.

5. DURATION. The state of emergency and the Mayor's extraordinary power and authority provided in Section 4 shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. The Mayor, or his interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each authorized period during the time said emergency exists.

6. RATIFICATION. At the first regular meeting of the corporate authorities after the state of emergency is declared, the corporate authorities may ratify the actions taken by the Mayor during the state of emergency, and determine, by resolution, whether the state of emergency should continue and any extension of the Mayor's temporary extraordinary powers.

7. ABSENCE OR INCAPACITY. In the absence or incapacity of the Mayor, the Mayor may delegate such powers to the emergency interim successor who may take such actions as are provided herein.

8. 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.

9. VIOLATIONS. Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by City Code.

10. SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

11. REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 18th day of March, 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this 18th day of March, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 18th day of March, 2020.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:
Ayes: 10
Nays: 0
Absent: 0
Abstain: 0

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **March 18, 2020,** the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-M-11** entitled:

An Ordinance 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.

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020-M-11**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **March 25, 2020,** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this **18th** day of **March 2020.**

Municipal Clerk

(S E A L)

CITY OF ST. CHARLES
INCORPORATED

Declaration of Local State of Emergency

State of Illinois
Kane and DuPage counties
City of St. Charles

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City Administration has coordinated its response with other Kane County and DuPage County governmental entities; and

WHEREAS, 20 ILCS 3305/10(j) of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Emergency Act and provides political subdivisions with certain emergency contractual authority; and

WHEREAS, the City of St. Charles is a Home Rule Unit under the 1970 Illinois Constitution.

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11, Sections 2.34, entitled "Civil Emergency," and 2.36, entitled "Emergency Management Agency of the Code of the City of St. Charles," and enabled by Ordinance 2020-M-11 of the City of St. Charles, I, Raymond P. Rogina, the Mayor of City of St. Charles, do hereby declare that a Local State of Emergency exists as of this date, March 18, 2020, and shall continue until such time as provided in Ordinance 2020-M-11.

The emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community. In this matter, I am relying upon each and every matter recited in the preambles hereto, which is hereby incorporated by reference.

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act, the City Code and Ordinance 2020-M-11.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Raymond P. Rogina, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

RAYMOND P. ROGINA, Mayor

NOTARY ACKNOWLEDGMENT

On this 18 of March, 2020, personally appeared the above-named Raymond P. Rogina and acknowledged the foregoing to be his free act and deed, before me.

Sharon J Bringelson
Notary Public

My Commission Expires: 12-5-2022

(Seal)

"OFFICIAL SEAL"
SHARON J. BRINGELSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 12/5/2022

Print SHARON BRINGELSON