

**ORDINANCE NO. 20 - 028**

**AN ORDINANCE  
PERTAINING TO A LOCAL STATE OF EMERGENCY AND DISASTER**

**RECITALS**

1. **WHEREAS**, the City of Naperville, DuPage and Will Counties ("City"), is a home rule unit of government under the laws and Constitution of the State of Illinois, and may exercise any power and perform any function pertaining to its government and affairs; and
2. **WHEREAS**, the Mayor simultaneously with the consideration of this Ordinance declared a Local State of Local Emergency and Disaster due to the spread of the COVID 19 virus; and
3. **WHEREAS**, the Illinois Municipal Code, the Illinois Emergency Management Agency Act, the Naperville Municipal Code, and the provisions of this Ordinance grant the Mayor certain authority in a declared state of emergency; and
4. **WHEREAS**, due to the uncertain nature of measures that may be taken on a federal, state, and/or local level to reduce the spread of COVID 19 (hereinafter, the "Emergency"), and the uncertainty of the timeframe during which such measures may need to be taken in order to protect the public and City staff, and to ensure the continued operation of the City, the City hereby finds that it is necessary and appropriate to pass this ordinance in conjunction with the Mayor's Declaration of a Local State of Emergency and Disaster; and
5. **WHEREAS**, pursuant to COVID-19 Executive Order issued by Governor Pritzker on Monday, March 16, 2020, the provisions of the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., requiring or relating to in-person attendance by members of a public body are suspended throughout the duration of the Gubernatorial Disaster Proclamation issued on March 9, 2020. Limits pertaining to remote participation set forth in the Open Meetings Act are not applicable during this time.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:**

**SECTION 1:** The Recitals set forth above are incorporated herein and made part hereof as though fully set forth in this Section 1.

**SECTION 2:** The Mayor, or the Mayor's designee if the Mayor is absent or incapacitated, is hereby authorized to take those actions authorized by state statute, by the Naperville Municipal Code, and as reasonably necessary to ensure that day-to-day operation of the City continues in an uninterrupted manner, including but not limited to payment of City bills for which appropriations have previously been approved by the City Council, payment of bills related to the Emergency, and extension of deadlines for payment of renewal fees for City issued liquor licenses. The City Manager shall remain responsible for the day-to-day operation of the City as provided by state statute and in the Naperville Municipal Code.

**SECTION 3:** The provisions of the Declaration of a Local State of Emergency and Disaster proclaimed by Mayor Chirico on this date, and the provisions referenced and described herein shall, by consent of the City Council here provided, continue to remain in full force and effect through the City Council meeting scheduled for April 21, 2020, or, if a quorum of the City Council then in office are not present at that meeting, until the next City Council meeting after April 21, 2020 at which a quorum of the City Council members then in office are in attendance.

**SECTION 4:** In conjunction with the suspension of in-person attendance requirements during public meetings throughout the duration of the Gubernatorial Disaster Proclamation issued on March 9, 2020 as set forth in Recital 5 above, the provisions of Title 1 (Administrative), Chapter 5 (Mayor and City Council, Section 6 (Council Rules), Subsection 3 (Meetings) of the Naperville Municipal Code (1-5-6-3), and each subsection thereof setting limitations on participation in City Council meetings by telephonic, video, or other available means, are hereby suspended for the same duration of time. Methods of participation during public meetings shall be determined by the Mayor with the assistance of the City Manager, the City Clerk, and appropriate City staff and shall be made known to City Council members and the public. Further, to the extent that such meetings are determined to be necessary, as determined by the City Manager, in-person attendance requirements for meetings of members of Boards and Commissions of the City shall not be required and such meetings may be held in whole or in part by telephone, video, or other available means. Changes in meeting attendance, and methods of participation by the public shall be publicized on the City's website.

**SECTION 5:** The provisions of this Ordinance shall supersede any inconsistent or conflicting state law, City ordinance, or provision of the Naperville Municipal Code. If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this day of 17<sup>th</sup> day of March 2020.


AYES: CHIRICO, BRODHEAD, COYNE, GUSTIN, HINTERLONG,  
KELLY, KRUMMEN, SULLIVAN, WHITE

APPROVED this day of 18<sup>th</sup> day of March 2020.



Steve Chirico  
Mayor

ATTEST:



Pam Gallahue, Ph.D.  
City Clerk

