

**ORDINANCE NO. 20 - \_\_**

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

**RECITALS**

1. **WHEREAS**, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and
2. **WHEREAS**, on March 13, 2020, the President of the United States issued a proclamation on declaring a national emergency concerning the COVID-19 outbreak, and
3. **WHEREAS**, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation due to the impact of the COVID-19 outbreak and activated the State Emergency Operations Center; and
4. **WHEREAS**, on March 16, 2020, the Governor of the State of Illinois issued Executive Order 2020-07, suspending on-premise consumption of food and beverages in places of public accommodation and prohibiting gatherings of 50 people or more; and
5. **WHEREAS**, pursuant to Executive Order 2020-07 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; and
6. **WHEREAS**, on March 17, 2020, at an emergency Naperville City Council meeting, a local state of emergency and disaster related to the COVID-19 outbreak was declared (see, *Mayor of Naperville's Declaration of a Local State of Emergency and Disaster* and *City of Naperville Ordinance 20-028 Pertaining to a Local State of Emergency and Disaster*, hereinafter "**Naperville Declaration of Emergency**"); and
7. **WHEREAS**, since Wednesday, March 18, 2020, all City of Naperville buildings have been closed to the public and many City of Naperville staff began working remotely, resulting in provision of some City services by alternate methods; and

8. **WHEREAS**, on March 20, 2020, the Governor of the State of Illinois issued Executive Order 2020-10, requiring that all non-essential business and operations cease and requiring all individuals currently living in the State of Illinois to stay at home or their place of residence except as necessary to perform essential activities; and
9. **WHEREAS**, on April 1, 2020, Governor Pritzker issued Executive Order 2020-18, extending and continuing prior Executive Orders, including but not limited to the order for residents to stay at home or their place of residence except as necessary to perform essential activities through April 30, 2020; and
10. **WHEREAS**, in the exercise of the emergency powers and authority granted to the Mayor of the City of Naperville, the Mayor has issued eight executive orders and one amendment to an executive order (cumulatively referenced herein as **"Mayoral Executive Orders"**); and
11. **WHEREAS**, the Naperville Declaration of Emergency is scheduled to expire on April 17, 2020 unless extended by the Naperville City Council on that date; and
12. **WHEREAS**, the City of Naperville, DuPage and Will Counties (hereinafter the **"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
13. **WHEREAS**, the Illinois Municipal Code, the Illinois Emergency Management Agency Act, the Naperville Municipal Code, and the provisions of this Ordinance grant the City's Mayor certain authority in a declared state of emergency; and
14. **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 extend the local ordinance previously passed in conjunction with the Mayor's Declaration of a Local State of Emergency and Disaster.

**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 Mayoral Executive Orders are hereby ratified and adopted by the Naperville City Council.

**SECTION 3:** 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, the Naperville Municipal Code, this Ordinance, 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, entering agreements related to the Emergency, extension of deadlines for fees and taxes due to the City, and adjustment of fees due to the City. 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 4:** In conjunction with the suspension of in-person attendance requirements during public meetings set forth in Governor Pritzker's Executive Order 2020-07, as extended by Executive Order 2020-18, and in conjunction with any future extensions thereof that may be issued by the Governor, 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:** Unless sooner terminated by a majority vote of the City Council at a meeting of the Naperville City Council, the provisions set forth and referenced herein, including but not limited to the Naperville Declaration of Emergency, shall remain in full force and effect through the City Council meeting scheduled for May 19, 2020 or throughout any extension of the

Gubernatorial Disaster Proclamation, whichever date is later. Notwithstanding the foregoing, the provisions of Section 4 above shall control City compliance with the Illinois Open Meetings Act.

**SECTION 6:** 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 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk