



AGENDA

EMERGENCY MEETING OF THE CITY OF GENEVA CITY COUNCIL

City Hall Council Chamber
109 James Street
Geneva, IL 60134

NOTICE IS HEREBY GIVEN that the City Council of the City of Geneva shall conduct an emergency meeting on Sunday, March 15, 2020 at 8:30 p.m. The emergency meeting will be held City Hall Council Chamber, 109 James Street, Geneva, Illinois for the purpose of considering the following item:

1. Consider an Ordinance related to the Emergency Powers of the Mayor and Local Disaster Declaration.

Date: March 15, 2020

A handwritten signature in cursive script, appearing to read 'Stephanie K.', is written over a horizontal line.

Deputy City Clerk

This notice has been posted at City Hall City of Geneva, 22 South First Street, Geneva, Illinois on March 15, 2020 and has been tendered to members of the media requesting notices of public meetings.

ORDINANCE 2020-10
Emergency Powers and Local Disaster Declaration

PREAMBLE

Ill. Const. art. VII, § 7 provides in part:

...[M]unicipalities which are not home rule units shall have only powers granted to them by law and the powers (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government; (2) by referendum, to adopt, alter or repeal their forms of government provided by law; (3) in the case of municipalities, to provide by referendum for their officers, manner of selection and terms of office; (4) in the case of counties, to provide for their officers, manner of selection and terms of office as provided in Section 4 of this Article; (5) to incur debt except as limited by law and except that debt payable from ad valorem property tax receipts shall mature within 40 years from the time it is incurred; and (6) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

65 ILCS 5/11-20-5

The corporate authorities of each municipality may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases,....

65 ILCS 5/11-1-6 provides:

The corporate authorities of each municipality may by ordinance grant to the mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency. Such ordinance shall establish standards for the determination by the mayor of when a state of emergency exists, and shall provide that the mayor shall not exercise such extraordinary power and authority except after his signing, 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. Such statement shall be filed with the clerk of the municipality as soon as practicable. A state of emergency, declared as provided in this section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

20 ILCS 3305/11:

(a) A local disaster may be declared only by the principal executive officer of a political subdivision, or his or her interim emergency successor, as provided in Section 7 of the "Emergency Interim Executive Succession Act". It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk, township clerk, or the municipal clerk, as the case may be, in the area to which it applies.

(b) The effect of a declaration of a local disaster is to activate the emergency operations plan of that political subdivision and to authorize the furnishing of aid and assistance thereunder.

Consistent with the authority granted to the City of Geneva pursuant to 65 ILCS 5/11-20-5, 65 ILCS 5/11-1-6, 20 ILCS 3305/11, and other authority under applicable law the City adopted Title 3, Chapter 8, "Emergency management Agency," of the City Code of Geneva, Illinois ("City Code"). City Code Section 3-1-8 provides:

A. Because of the possibility of the occurrence of natural or human-induced events of significant size and destructiveness in this or in a neighboring municipality and in order to insure that this city will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this city and protect the public peace, health, and safety in the event of such a disaster, it is found and declared to be necessary:

1. To create a municipal emergency management agency.
2. To confer upon the mayor and extraordinary power and authority set forth under § 11-1-6 of the Illinois Municipal Code (65 Ill. Comp. Stat. 5/11-1-6).
3. To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.

B. When it is determined that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the mayor may declare that a state of emergency exists. A subsequent state of emergency may be declared if necessary.

C. It is further declared to be the purpose of this chapter and the policy of the city that all emergency management programs of this city shall be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

City Code Section 3-8-7 provides:

A. A local disaster emergency may be declared only by the mayor or the city council. If declared by the mayor, it shall not be continued for a period in excess of seven (7) days except by or with the consent of the municipal council. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

B. The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance there under.

C. During a local disaster emergency, the city administrator (or in his/her absence the assistant city administrator) may suspend the provisions of any municipal chapter prescribing procedures for the conduct of municipal business, or the orders, rules, and regulations of any municipal agency, if strict compliance with the provisions of any chapter, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, as authorized by "The Illinois Emergency Management Agency Act," provided that, if the municipal council meets at such time, the city administrator shall act subject to the directions and restrictions imposed by that body.

5 ILCS 102/2.02 provides in part:

Public notice of any special meeting except a meeting held in the event of a bonafide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda.

Given: (i) the unprecedented and rapidly changing circumstances surrounding COVID-19; (ii) the state and federal recommendations regarding social distancing and other precautions; (iii) that the Governor of the State of Illinois declared a state of emergency on March 9, 2020; (iv) that the President of the United States of American declared a national state of emergency on March 13, 2020; and (v) the requirement under 5 ILCS 120/2.01 and 5 ILCS 120/7 of the Illinois Open Meetings Act that that a quorum of the City Council must be physically present at all meetings of the City Council, the corporate authorities believe it is in the best interest of the health and welfare of the citizens of Geneva to adopt the following ordinance.

65 ILCS 5/3.1-40-40 provides in part:

The passage of all ordinances for whatever purpose, shall require the concurrence of a majority of all members then holding office on the city council, including the mayor, unless otherwise expressly provided by this Code or any other Act governing the passage of any ordinance....

Accordingly, six affirmative votes are required to adopt this Ordinance.

ORDAINING CLAUSE

BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS:

SECTION 1. The Corporate Authorities hereby find that a state of emergency and local disaster exists as of March 15, 2020 ("**State of Emergency**");

SECTION 2. Pursuant to 65 ILCS 5/11-1-6 the Corporate Authorities hereby grant to the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency. The Mayor may determine a state of emergency exists, when: (i) the President of the United States of America declares a national state of emergency; (ii) the Governor of the State of Illinois declares a state of emergency; or (iii) the World Health Organization declares a pandemic. The Mayor shall not exercise

such extraordinary power and authority except after signing, 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. Such statement shall be filed with the clerk of the municipality as soon as practicable. A state of emergency, declared as provided in this section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared;

SECTION 3. The Mayor, City Administrator or designees are hereby authorized and directed to take such actions as permitted by applicable law necessary to implement this Ordinance; and

SECTION 4. This Ordinance is effective from and after its passage.

PASSED by the Corporate Authorities of the City of Geneva, Kane County, Illinois, this 15th day of March 2020.

AYES: _____ NAYS: _____ ABSENT: _____ ABSTAINING: _____ HOLDING OFFICE: 11

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this _____ day of _____ 2020.

Mayor

ATTEST:

City Clerk