

## **ORDINANCE 2020-14**

### **AN ORDINANCE ESTABLISHING TEMPORARY EXECUTIVE POWERS PURSUANT TO 65 ILCS 5/11-1-6**

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, State of Illinois Governor JB 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 3305/7; and,

WHEREAS, the World Health Organization (WHO) declared COVID-19 a Global Pandemic on March 11, 2020 and;

WHEREAS, on March 13, 2020, the United States President Donald J. Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and,

WHEREAS, the Village Board approved Ordinance 2020-09 on March 16, 2020, Ordinance 2020-11 on April 6, 2020 and Ordinance 2020-13 on April 20, 2020, providing for temporary executive authority to the Village President, however no actions were taken pursuant to this executive authority; and,

WHEREAS, on March 20, 2020, Governor Pritzker issued an Executive Order urging Illinois residents to stay at home, ordering the closure of schools and non-essential businesses, and prohibiting dine-in service at restaurants and bars, among other efforts, in order to slow community transmission; and,

WHEREAS, on April 1, 2020, Governor Pritzker issued an Executive Order extending the Stay at Home Order and related closures until April 30; and,

WHEREAS, on April 23, 2020, Governor Pritzker issued an Executive Order extending the Stay at Home Order until May 30<sup>th</sup>, extending school closures through the end of the current school year, and adjusting other closures previously ordered; and

WHEREAS, as of April 30, 2020, there were 52,918 confirmed cases of COVID-19 in Illinois, most of which have been linked to community transmission; and,

WHEREAS, although efforts to contain COVID-19 do appear to be working, the World Health Organization and the CDC indicate that it is expected to continue to spread; 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, 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, 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, based on the foregoing, the corporate authorities of the Village of West Dundee recognize the potential of a public health emergency in West Dundee in the near future; and,

WHEREAS, it is the policy of the Village of West Dundee that the Village will be prepared to address any emergencies and, therefore, pursuant to § 5/11-1-6 of the Illinois Municipal Code, it is necessary and appropriate to establish standards for the determination of whether a state of emergency exists authorizing the Village President 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 Village remain safe and secure.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

**SECTION ONE:** The corporate authorities hereby establish standards for the determination of whether a state of emergency exists within the Village of West Dundee:

1. The existence of federal, state or county directives or advisories on COVID-19 which impact any activities within the Village or specific instances of COVID-19 within the Village which require action to ensure the safety of the general public or of Village officials and staff; and
2. The need for immediate, emergency action which must occur before the next regular meeting of the Village Board.

**SECTION TWO:** If the standards enumerated in Section One are met, the Village President 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 Village Clerk as soon as practicable.

**SECTION THREE:** The corporate authorities hereby grant to the Village President, in the event that the standards in Section One are met and the Village President has provided a statement as required by Section Two, 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 Village remain safe and secure.

**SECTION FOUR:** The state of emergency and the Village President’s extraordinary power and authority provided in Section Three shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

**SECTION FIVE:** 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 Village President during the state of emergency, and determine, by resolution, whether the state of emergency should continue and any extension of the Village President's temporary extraordinary powers.

**SECTION SIX:** Pursuant to State Statute 20ILCS 3305/10(d) the Village of West Dundee acknowledges that the Village President is granted authority in carrying out provisions of this Act, each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat the disasters as are described in Section Three, to protect the health and safety of persons, to protect property, and to provide emergency assistance to victims of those disasters. If a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

**SECTION SEVEN: 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.

**SECTION EIGHT: 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.

**SECTION NINE: 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.

AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Anderley and Wilbrandt  
NAYS: None  
ABSENT: None  
ABSTAIN: None

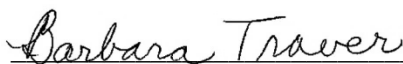
APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of West Dundee this 4<sup>th</sup> day of May, 2020.

APPROVED:



Christopher Nelson  
Village President

ATTEST:



Barbara Traver  
Village Clerk