

RESOLUTION NO. 1208-20

**A RESOLUTION DECLARING A CONTINUING
STATE OF EMERGENCY AND RATIFYING EXECUTIVE ORDER NO. 010-20**

WHEREAS, the Village President (Mayor) provided a statement under oath, finding that certain standards for a State of Emergency were met, pursuant to Ordinance 1936-20 and 65 ILCS 5/11-1-6, and filed said statement with the Village Clerk on March 18, 2020, attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the Village Board of Trustees affirmed and ratified this State of Emergency and Executive Orders 001-20 through 007-20 on April 7, 2020, in Resolution 1194-20, and extended its duration through its regular Village Board meeting on April 21, 2020; and

WHEREAS, the Village Board of Trustees continued this State of Emergency and affirmed and ratified Executive Orders 008-20 through 009-20 on April 21, 2020, in Resolution 1197-20, and extended its duration through its regular Village Board meeting on May 5, 2020; and

WHEREAS, the Village Board of Trustees continued this State of Emergency on May 5, 2020, in Resolution 1203-20, and extended its duration through its regular Village Board meeting on May 19, 2020; and

WHEREAS, pursuant to the powers granted to him pursuant to Ordinance 1936-20, Resolution 1194-20, Resolution 1197-20, Resolution 1203-20 and 65 ILCS 5/11-1-6, the Mayor has issued one Executive Order on May 14, 2020, No. 010-20, which is attached hereto as Exhibit B and incorporated herein; and

WHEREAS, the Village Board of Trustee wishes to affirm and ratify the Declaration of the State of Emergency, Exhibit A, as well as Executive Order No. 010-20, Exhibit B, entered by the Mayor during this State of Emergency; and

WHEREAS, the Village Board of Trustees wish to extend the State of Emergency, including the Mayor's extraordinary powers to act on behalf of the Village Board in order to respond to the COVID-19 pandemic, until the next regular meeting of the Village Board.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: DECLARATION OF A STATE OF EMERGENCY. The corporate authorities of the Village of Itasca hereby accept and affirm the findings of fact in Exhibit A, the Mayor's statement establishing a State of Emergency pursuant to Ordinance 1936-20 and 65 ILCS 5/11-1-6.

SECTION TWO: RATIFICATION OF EXECUTIVE ORDERS. The corporate authorities of the Village of Itasca hereby affirm and ratify Exhibit B, Executive Order No. 010-20 issued by the Mayor pursuant to the State of Emergency on May 14, 2020.

SECTION THREE: EXECUTIVE AUTHORITY. The Mayor is hereby authorized to exercise, by executive order, such powers of the President and Board of Trustees of the Village as the Mayor deems reasonably necessary to allow the Village to respond to the COVID-19 emergency until the Village Board meeting scheduled for June 2, 2020, or, if a quorum of the Village Board then in office are not present at that meeting, until the next Village Board meeting after June 2, 2020 at which a quorum of the Village Board members then in office are in attendance.

SECTION FOUR: DURATION. The provisions of Exhibit A, the Declaration of a State of Emergency proclaimed by the Mayor, and the provisions of all ten Executive Orders, Nos. 001-20 to 010-20, by consent of the Village Board here provided, continue to remain in full force and effect through the Village Board meeting scheduled for June 2, 2020, or, if a quorum of the Village Board then in office are not present at that meeting, until the next Village Board meeting after June 2, 2020 at which a quorum of the Village Board members then in office are in attendance.

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

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

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

AYES: Atani, Gavenos, Latorca, Leahy, Linsner, Madaras


NAYS: None

ABSENT: None


ABSTAIN: None

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 19th day of May, 2020.

APPROVED:


Village President Jeffery J. Pruyn

ATTEST:


Village Clerk Jody Conidi


DECLARATION OF A STATE OF EMERGENCY

I, Jeffery Pruyn, Village President of the Village of Itasca, hereby find and declare that a State of Emergency exists within the Village of Itasca pursuant to Itasca Ordinance No. 1936-20 and 65 ILCS 5/11-1-6 for the following reasons:

Coronoravirus Disease 2019 (COVID-19) is a contagious virus for which there is currently no vaccine and which, if contracted can cause severe respiratory illness and is sometimes fatal. 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 it to be a worldwide pandemic. On March 13, 2020, the President of the United States issued a proclamation on declaring a national emergency concerning the COVID-19 outbreak. On March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation pertaining to COVID-19 and activated the State Emergency Operations Center. On March 15, 2020, the Governor also announced that all bars and dine-in restaurants would close through March 30, 2020 due to COVID-19 concerns (as formally executed by COVID-19 Executive Order No. 5 issued on March 16, 2020). Public and private entities around the world are taking steps, including but not limited to, full or partial closings to reduce public exposure to COVID-19. Individuals in DuPage County have contracted the COVID-19 virus. New cases of COVID-19 are announced daily. The COVID-19 pandemic has caused an unprecedented impact on local residents, businesses and visitors, including significant public health, safety and economic impacts.

I further find that the following standards, outlined in Itasca Ordinance No. 1936-20, are met:

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.



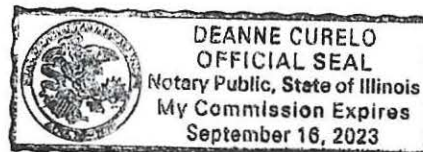
Village President Jeffery J. Pruyn

SUBSCRIBED and SWORN to before

me this 18th day of March 2020.

D Curelo

NOTARY PUBLIC



MAY 14, 2020

EXECUTIVE ORDER NO. 010-20

**EXECUTIVE ORDER TEMPORARILY ALLOWING EATING ESTABLISHMENTS
TO OFFER OUTDOOR DINING OPTIONS DURING THE COVID-19 OUTBREAK**

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the Coronavirus Disease 2019 (COVID-19) to be a public health emergency of international concern; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak; and

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 in Illinois and activated the State Emergency Operations Center; and

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

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, on April 1, 2020, extended this order until April 30, 2020 in the Executive Order 2020-18, and on April 30, 2020, extended the stay at home order until May 29, 2020, in Executive Order 2020-32; and

WHEREAS, on March 17, 2020, the Village of Itasca Board of Trustees passed Ordinance No. 1936-20, pursuant to 65 ILCS 5/11-1-6, which allowed the Mayor to declare a State of Emergency related to the COVID-19 outbreak when certain standards were met; and

WHEREAS, the Mayor of the Village of Itasca issued a local Declaration of Disaster pursuant to 20 ILCS 3305/11, on March 18, 2020; and

WHEREAS, the Mayor of the Village of Itasca found the standards met for a State of Emergency, pursuant to Ordinance 1936-20 and 65 ILCS 5/11-1-6, and filed a Declaration of the State of Emergency with the Village Clerk on March 18, 2020; and

WHEREAS, the Village of Itasca Board of Trustees affirmed and ratified the Mayor's declarations pursuant to 20 ILCS 3305/11 and 65 ILCS 58/11-1-6 in Resolutions 1194-20, 1197-20, and 1203-20, which extend the Mayor's temporary extraordinary powers until May 19, 2020; and

WHEREAS, the COVID-19 pandemic has caused an unprecedented impact on local residents, businesses and visitors, including significant public health, safety and economic impacts; and

WHEREAS, COVID-19-related restrictions from both the gubernational executive orders and local public health measures have had a unique impact on eating establishments, such as restaurants, taverns, and lounges.

THEREFORE, by the powers vested in me as the Mayor of the Village of Itasca and by 65 ILCS 5/11-1-6 and 20 ILCS 3305-11, and pursuant to Ordinance No. 1936-20 and my Declaration of a State of Emergency, I hereby order the following:

SECTION ONE: The recitals set forth above are found to be true and correct and are hereby incorporated herein and made part of this Executive Order as though fully set forth.

SECTION TWO: Because of the unique impact COVID-19 and its response has had on eating establishments, all restaurants, tavern, or lounges, as defined in the Itasca Zoning Ordinance, are exempt from the outdoor eating special use requirements in the Itasca Zoning Ordinance until October 31, 2020, provided the Community Development Director or her designee approves.

SECTION THREE: The Community Development Director or her designee is hereby authorized to approve outdoor dining plans for eating establishments which demonstrate compliance with gubernational executive orders and can provide right of way access, adequate parking and other necessary amenities while ensuring patron and public safety.

SECTION FOUR: Nothing in this Executive Order shall otherwise alter, waive, suspend or modify the Itasca Municipal Code or Itasca Zoning Ordinance.

SECTION FIVE: If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

SECTION SIX: Effective date. This Executive Order shall be in full force and effect from 12:00 AM on May 14, 2020.

ISSUED by the Village President of the Village of Itasca this 14th day of May, 2020.


Village President Jeffery J. Pruyn