

**ORDINANCE NO. 1136-20**

**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, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, the State of Illinois Governor JP 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 has reported 125,048 confirmed cases of COVID-19 and 4,613 deaths attributable to COVID-19 globally as of March 12, 2020; 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, a vaccine or drug is currently not available for COVID-19; 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, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

WHEREAS, as of March 12, 2020, there were 32 confirmed cases of COVID-19 and an additional 92 persons under pending investigation in Illinois; and,

WHEREAS, one of the confirmed cases of COVID-19 in Illinois has not been linked to any travel activity or to an already-confirmed COVID-19 case, which indicates community transmission in Illinois; and,

WHEREAS, based on the foregoing, the corporate authorities of the Village of Itasca recognize the potential of a public health emergency in Itasca in the near future; and,

WHEREAS, it is the policy of the Village of Itasca 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 mayor 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; and

WHEREAS, DuPage County issued a Declaration of Disaster pursuant to 20 ILCS 3305/11, on March 16, 2020, and the Village of Itasca contemplates a similar Declaration.

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

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 mayor 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 mayor, in the event that the standards in Section One are met and the mayor 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 mayor'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 mayor during the state of emergency, and determine, by resolution, whether the state of emergency should continue and any extension of the mayor's temporary extraordinary powers.

SECTION SIX: 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 SEVEN: 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 EIGHT: 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: Alani, Gavanes, Latosia, Linsner, Madars


NAYS: None

ABSENT: Leahy

ABSTAIN: None

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 17<sup>th</sup> day of March, 2020.

APPROVED:

  
Village President, Jeffery J. Pruyn

ATTEST:

Deanne Curelo  
Deputy Village Clerk, Deanne Curelo

