

ORDINANCE NO. O-2020-13

**AN ORDINANCE EXTENDING A DECLARATION OF LOCAL STATE OF EMERGENCY ENTERED  
INTO MARCH 23, 2020**

**WHEREAS**, the Mayor of the City of Wheaton, Philip J. Suess, declared a local state of emergency on March 23, 2020; and

**WHEREAS**, the declaration was entered by the Mayor in conformance with an amended Section 2-127 of the City Code adopted the same day before the declaration; and

**WHEREAS**, state statute does not preempt Wheaton's home rule authority to determine the length of the state of public emergency; and

**WHEREAS**, state statutes authorizing the declaration of a public emergency set forth 7-day rolling renewal dates of a mayoral emergency declaration; and

**WHEREAS**, the corporate authorities of the City of Wheaton have concluded that 7-day rolling renewal dates of the emergency declaration are inadequate, inefficient and contrary to the underlying basis of many emergencies and are particularly inadequate to address the issues caused by the COVID-19 virus; and

**WHEREAS**, pursuant to Section 6 of Governor's Executive Order 2020-7 (COVID-19 Executive Order No. 5) 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

**WHEREAS**, the corporate authorities of the City adopt the averments set forth in the Mayors Declaration of Local Emergency as legislative findings for purposes of this Ordinance; and

**WHEREAS**, this ordinance is adopted pursuant to the City of Wheaton's home rule authority.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority, as follows:

**SECTION 1:** The Mayoral declaration of a local state of emergency first effective on March 23, 2020, shall remain in effect without further action of the Wheaton City Council until April 30, 2020, unless otherwise rescinded before that date by the Mayor or a majority vote of a quorum of the Wheaton City Council. If Wheaton City Council meetings are suspended during the period from March 23, 2020, through April 30, 2020, any three members of the Council may request that a City Council meeting be held during the time period to consider

the issue of whether the emergency declaration should be repealed, rescinded or modified. In the latter circumstance, the City Clerk shall schedule the meeting within seven (7) days of the request following the notification requirements of the Illinois Open Meetings Act.

**SECTION 2:** 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, by the Wheaton City Code and Executive Orders of the Governor of the state of Illinois, 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, payment of bills related to the Emergency, and extension of deadlines for payment of renewal fees for City-issued liquor licenses. The City Manager shall remain responsible for the day-to-day operation of the City as provided by state statute and the Wheaton City Code.

**SECTION 3:** In conjunction with the suspension of in-person attendance requirements during public meetings throughout the duration of the Gubernatorial Disaster Proclamation issued on March 9, 2020, and the Governor's Executive Order 2020-7 (hereinafter "GEO 2020-07") issued March 16, 2020, Section 6, the provisions of the Open Meetings Act suspended or qualified by GEO 2020-07 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 Board 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 4:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 5:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 6:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

Philip J. Suess  
Mayor

ATTEST:

Shawn Bennett Hagan  
City Clerk

Passed: March 23, 2020  
Published: March 24, 2020

Ayes:

Roll Call Vote:

Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
Councilman Rutledge

Nays:

None

Absent:

None

Motion Carried Unanimously

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