

**ORDINANCE NO. O-2020-21**

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

**WHEREAS**, the Mayor of the City of Wheaton, Philip J. Suess, declared a local state of emergency on March 23, 2020 (hereinafter "Original Declaration"); 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 local state of emergency; and

**WHEREAS**, state statutes authorizing the declaration of a local state of 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 as they relate to, the Open Meetings Act, remote meetings and the management of public participation in those meetings; 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**, on March 23, 2020 the corporate authorities of the City extended the March 23, 2020 Declaration of Local Emergency, until April 30, 2020, and deemed it reasonable and appropriate to concur in the Mayor's further extension of the Declaration of Local Emergency to April 30, 2020; and

**WHEREAS**, on April 20, 2020 the corporate authorities of the City extended the March 23, 2020 Declaration of Local Emergency, until May 18, 2020, and deemed it reasonable and appropriate to concur in the Mayor's further extension of the Declaration of Local Emergency to May 18, 2020; and

**WHEREAS**, the corporate authorities of the City adopt the averments set forth in the Mayor's Declaration of Local Emergency, and this Ordinance as legislative findings of the City; and

**WHEREAS**, this ordinance is adopted pursuant to the City of Wheaton's home rule authority and all other applicable laws.

**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:

The Mayoral Original 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 unless otherwise rescinded before that date, by the Mayor or a majority vote of the Wheaton City Council, but only in conjunction with Section 3 of the Original Declaration involving the suspension of in-person attendance requirements during public meetings and 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, meaning that Section 6, of the provisions of the Open Meetings Act as they remain 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 and public hearings 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.

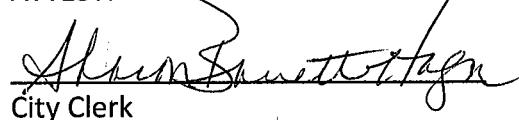
**SECTION 1:** If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

**SECTION 2:** Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

**SECTION 3:** This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

  
Philip J. Sauer  
Mayor

ATTEST:

  
Alison Bennett-Hagan  
City Clerk

Roll Call Vote:

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

Nays: None  
Absent: None

Motion Carried Unanimously

Passed: May 18, 2020

Published: May 19, 2020

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