



LEGAL DIVISION
400 S. Vine Street
Urbana, IL 61801-0219
(217) 384-2464
Fax: (217) 384-2460

DATE: March 13, 2020
TO: City Council
CC: Diane Wolfe Marlin, Carol Mitten
FROM: James L. Simon

RE: Temporary Emergency Ordinance to Address the COVID-19 Virus Pandemic.

As each of you are aware, on March 11, 2020, the World Health Organization declared the crisis involving the rapid spread of the novel coronavirus – COVID-19 a global pandemic. This is an escalation in seriousness from the WHO’s January 30, 2020 statement that COVID-19 presented a public health emergency of international importance. On March 9, 2020, Governor Pritzker issued a disaster proclamation and activated the State Emergency Operations Center. At the local level, a number of units of local government either have issued or will be issuing their own declarations to address COVID-19.

The Mayor and City Administrator have concluded that it is important for Urbana to issue its own Temporary Emergency Declaration to: (i) coordinate the City’s efforts with other units of local government in addressing the threats posed by COVID-19; (ii) assure the public that the City is taking steps, within its means, powers and authority, to address COVID-19; (iii) continue providing vital public services to Urbana citizens, business and visitors; (iv) identify and prioritize those necessary services should the City’s ability to maintain such services at their current level become compromised; (v) protect and preserve the health and welfare of its employees; and (vi) seek reimbursement from state and federal agencies, where available, for the City’s costs in addressing and dealing with COVID-19. In this latter regard, the City cannot seek assistance from state or the federal government in the absence of a City-issued emergency declaration.

OPTIONS: (i) Adopt the Temporary Emergency Ordinance as drafted; (ii) not adopt the said ordinance; or (ii) amend the said ordinance and adopt it as amended.

RECOMMENDATION: Adopt the Temporary Emergency Ordinance as drafted.

TEMPORARY EMERGENCY ORDINANCE NO. 2019-03-015

**TEMPORARY EMERGENCY ORDINANCE TO
ADDRESS THE COVID-19 VIRUS PANDEMIC**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, 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 a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City has coordinated its response to COVID-19 with other Champaign County governmental entities; and

WHEREAS, 20 ILCS 3305/10(j) of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Illinois Municipal Code, were enacted to, among other things, prevent, minimize and alleviate disasters and address public health emergencies that may or will adversely impact the life, health and safety of persons within the State of Illinois; and

WHEREAS, the City has adopted Urbana City Code Chapter 6, “Civil Emergencies” to address “civil emergencies”; and

WHEREAS, said Urbana City Code Chapter 6 was not drafted in such a way so as to allow the City to issue emergency declarations and to vest the Mayor with emergency powers and authority to address such public health emergencies as are now being presented by the novel coronavirus - COVID-19 which is now facing City of Urbana citizens, businesses and visitors; and

WHEREAS, in recognition of the limitations of Urbana City Code Chapter 6 and while considering the nature of the emergency facing the City and surrounding geographic area, including the apparent rapid spread of COVID-19, the City Council deems it necessary and appropriate to adopt

this Temporary Emergency Ordinance in order to meet and address the emergency presented by COVID-19.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1. Temporary Emergency Declaration.

The Mayor shall be and hereby is authorized to issue a Temporary Emergency Declaration in a form substantially similar to the exhibit appended to hereto.

Section 2. Emergency and Suspension of Urbana City Code Chapter 6.

The Mayor shall be and hereby is vested with the power and authority provided in this Temporary Emergency Ordinance notwithstanding anything to the contrary provided in Urbana City Code Chapter 6, "Civil Emergencies", Article II, "Emergency Services and Disaster Agency."

Section 3. Duration of Powers and Authority.

This Temporary Ordinance and the powers and authority conferred upon the Mayor pursuant hereto shall remain in effect until the Governor of the State of Illinois lifts or terminates his disaster declaration or the Mayor lifts or terminates her Declaration of Emergency, whichever is later. Notwithstanding the immediate foregoing, the City Council shall have the authority to repeal this Temporary Emergency Ordinance prior to the lifting or termination of the Governor's disaster declaration and the Mayor's Declaration of Emergency.

Section 4. City Council Meetings.

Any regular or special meetings of the City Council may be conducted at the call of the Mayor or two Council members via electronic means including audio or video conference. Such meetings may be held, providing such notice to the public and media as is reasonable under the circumstances, and if possible, providing access to the public and including a means for public participation. All such meetings shall be deemed in response to an event constituting a "bona fide emergency" under Section 2.02(a) of the Open Meetings Act. 5 ILCS 120/2.02(a). During this period of emergency, Council Rules are hereby modified to require an affirmative vote of a majority of a quorum present, electronically or physically, at the meeting for the passage of any council bill or to provide policy direction.

Section 5. Meetings of Boards and Commissions.

The Mayor may cancel meetings of any board or commission to which the Mayor appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice.

Section 6. Licensed or Permitted Activities.

The Mayor may suspend such licenses or permits issued by the City for special events or any other City-issued licenses or permits which, in the judgment of the Mayor, could actually or reasonably possibly directly or indirectly exacerbate the spread, containment or treatment of COVID-19 within the City of Urbana.

Section 7. Purchases.

The Mayor or her designee may authorize any purchase for which funds are available reasonably related to the emergency. Such purchases may be made without following each formal requirement of Urbana City Code Chapter 2, "Administration", Article VI, "Finances and Purchases." The Mayor or her designee shall be authorized to seek any and all reimbursement of such expenditures as may be available from any state or federal agency in connection with the City's efforts to address, contain the spread of and/or treat COVID-19.

Section 8. Personnel Policies.

Notwithstanding any personnel policy currently in force and effect within the City government, the Mayor is hereby authorized to adopt or adjust any such personnel policy related to leave time, benefits, and/or other terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency.

Section 9. Bargaining Units.

The Mayor is hereby authorized to enter into such temporary agreements, including memoranda of understanding with the City's bargaining units in order to promote the provision of City services and the health and safety of the public and employees during the emergency.

Section 10. City Facilities.

The Mayor is hereby authorized to close City facilities as is reasonably required to protect the health of the public and employees of the City.

Section 11. Ordinance Violations.

The City Attorney is hereby authorized to extend any timeframe for payment or filing related to City ordinance violations in recognition of the emergency.

Section 12. Amounts Due and Owing.

The Mayor, upon the recommendation of the Finance Director, is hereby authorized to extend deadlines for payment related to any amounts due and owing to the City.

Section 13. Other Emergency Powers.

The Mayor, pursuant to her general police powers to protecting public health and safety within the City of Urbana, shall have the power and authority to issue general orders that have the force and effect of law.

Section 14. Absence or Incapacity.

That in the absence or incapacity of the Mayor, the Mayor may delegate such powers and authority to the City Administrator or such other person as the Mayor may delegate who may take such actions as are provided in this Temporary Emergency Ordinance. Similarly, in the absence or incapacity of the City Administrator, such powers and authority shall devolve to the Human Resources/Finance Director.

Section 15. Local Emergency.

That this Temporary Emergency Ordinance shall be construed as a declaration of a local disaster as provided for under 20 ILCS 3305/11.

This Temporary Emergency Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 16th day of March, 2020.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2020.

Diane Wolfe Marlin, Mayor

**DECLARATION OF EMERGENCY
CITY OF URBANA, ILLINOIS**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, 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 a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City has coordinated its response to COVID-19 with other Champaign County governmental entities; and

WHEREAS, 20 ILCS 3305/10(j) of the Emergency Management Agency Act and 65 ILCS 5/8-10-5 of the Illinois Municipal Code, were enacted to, among other things, prevent, minimize and alleviate disasters and address public health emergencies that may or will adversely impact the life, health and safety of persons within the State of Illinois; and

WHEREAS, the City has adopted Urbana City Code Chapter 6, “Civil Emergencies” to address “civil emergencies; and

WHEREAS, said Urbana City Code Chapter 6 was not drafted in such a way so as to allow the City to issue emergency declarations and to vest the Mayor with emergency powers and authority to address such public health emergencies as are now being presented by the novel coronavirus - COVID-19 which is now facing City of Urbana citizens, businesses and visitors; and

WHEREAS, in recognition of the limitations of Urbana City Code Chapter 6 and while considering the nature of the emergency facing the City and surrounding geographic area, including the apparent rapid spread of COVID-19, the City Council deems it necessary and appropriate to adopt Temporary Ordinance No. _____ in order to meet and address the emergency presented by COVID-19.

I, Diane Wolfe Marlin, Mayor of the City of Urbana, Illinois, pursuant to power granted to me by Temporary Ordinance No. _____ and the relevant provisions of the Illinois Compiled Statutes, do hereby declare the existence of a local emergency within the City of Urbana, Illinois.

A. Description of Emergency. The emergency to which this Emergency Declaration is directed is related to the novel coronavirus - COVID-19 which is causing or which is anticipated to cause widespread serious negative impacts on the health and welfare of members of the community. In this matter, I am relying upon each and every matter recited in the preamble hereto, which is hereby incorporated by reference.

B. Posting. The City Administrator or her designee shall provide copies of this Declaration to the news media and post copies at the Urbana City Building, The Urbana Free Library, and each City of Urbana Fire Station during the pendency of this emergency.

This Declaration is effective at _____ .m. on the _____ day of _____, 2020.

Mayor of the City of Urbana, Illinois

WITNESSED:

(Print Name)

(Signature)

STATE OF ILLINOIS)
) SS.
COUNTY OF CHAMPAIGN)

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT **Diane Wolfe Marlin**, personally known to me to be the Mayor of the City of Urbana, Illinois and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor, she signed and delivered the said instrument as Mayor and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the City Council of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this _____ day of _____, 2020.

Notary Public