

MEMORANDUM

March 13, 2020

TO: Mayor John P. Kahl and Members of the City Council

FROM: Dennis R. Triggs and Scott A. Brunton, City Attorney's Office

SUBJECT: Ordinance Establishing Emergency Power of Mayor during Time of
Emergency or Crisis

DISCUSSION:

Should the City be faced with an emergency or crisis event – whether from natural, man-made, or technological causes – it is important that the City can continue to function should a quorum of the City Council be unable to meet in a timely manner to allow City operations to continue to function and to address the emergency or crisis event. This Ordinance establishes within the City Code authority for the Mayor to exercise certain powers during the emergency or crisis event after making a declaration of emergency. The Mayor's authority under this provision will last only so long as the City Council cannot gather a quorum and in no event longer than 14 days. If the City Council still cannot meet after 14 days and the emergency or crisis continues, the declaration of an emergency may be made again.

RECOMMENDATION:

Approval of this Ordinance.

ORDINANCE NO. 4495

**AN ORDINANCE AMENDING CITY CODE TO ESTABLISH
EMERGENCY POWER OF MAYOR DURING EMERGENCY AND
CRISIS SITUATIONS**

WHEREAS, from time to time, the City of East Peoria may be faced with an emergency or crisis event from natural, technological, or human-generated causes; and

WHEREAS, during such emergency or crisis events, the City must be able to respond with immediate action in order to protect the safety, public health, and property of the citizens of East Peoria and the general public at large; and

WHEREAS, Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) allows the City Council by ordinance to extend emergency powers to the Mayor during an emergency or crisis event; and

WHEREAS, the City Council finds that it is in the best interests of the City, its citizens, and the general public to establish under the City Code the authority of the Mayor to quickly and immediately take action on behalf of the City to address the emergency or crisis event as provided herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. New Section 2.4 is hereby added to Title 1, Chapter 3 of the East Peoria City Code as follows:

1-3-2.4. Emergency power of the mayor.

- (a) In the event of a natural, technological, or human-caused event that warrants a coordinated city response to protect lives, property, public health and safety, the mayor shall have the power to declare an emergency as provided herein. A state of emergency or crisis exists when one or more of the following conditions are present or imminent:
 - (1) The Governor of the State of Illinois, or the President of the United States, has declared that a state of emergency, and the conditions giving rise to that declared state of emergency directly affect the territory, populace or property of the City;
 - (2) A natural disaster, act of war, act of rebellion or terrorism, or cyber-attack has overwhelmed, or imminently threatens to overwhelm, the ability of emergency responders or public health officials to safely, adequately or efficiently respond to the needs of the City or protect the safety of its residents;

- (3) A pandemic, or health emergency, or natural disaster, makes its unsafe or imprudent for non-essential City personnel to report to work, or for a quorum of the City Council to meet; or
 - (4) Other unforeseen circumstances, of like kind or severity, arise and affect the safety or welfare of the residents, employees or officers of the City
- (b) The mayor shall make a declaration of emergency by signing, under oath, a statement consisting of the following:
- (1) A finding that the standards for declaring an emergency or crisis have been met;
 - (2) Setting forth those facts supporting this finding of an emergency or crisis event;
 - (3) Describing the nature of the emergency or crisis event; and
 - (4) Declaring that a state of emergency exists.

Such statement shall be filed with the city clerk as soon as practicable.

- (c) Upon making the declaration of emergency, the mayor shall have and may exercise the following emergency powers in relation to the emergency or crisis situation and in relation to continuing City operations during the emergency or crisis situation for a period of time not to exceed the earlier of (i) fourteen (14) days following the declaration of emergency, (ii) such date as a quorum of the City Council is convened to conduct public business, or (iii) adjournment of the first regular City Council meeting following the declaration of emergency (the "Emergency Period"); provided, however, that the lapse of the emergency powers shall not, as regards to any act or acts occurring or taken within the Emergency Period or any extension thereof, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which they may have under the provisions of this section.
- (1) To enter into contracts, incur of obligations, employ temporary workers, rent equipment, purchase supplies and materials, and appropriate expenditures and dispose of public funds and property as necessary.
 - (2) To suspend the provisions of any regulatory ordinance prescribing procedures for conduct of city business, or the orders and rules of

any city agency, if strict compliance with the provision would in any way prevent, hinder or delay necessary action, including emergency purchases.

- (3) To utilize all available resources of the city government as reasonably necessary.
 - (4) To transfer the direction, personnel, or functions of city departments and agencies or units thereof for the purpose of performing or facilitating response and recovery programs.
 - (5) To recommend the evacuation of all or part of the population from any stricken or threatened area within the city if he deems this action necessary.
 - (6) To prescribe routes, modes of transportation, and destinations in connection with evacuation.
 - (7) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
 - (8) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.
 - (9) To make provision for the availability and use of temporary emergency housing.
- (d) Upon the mayor issuing the declaration of emergency herein authorized, the Chief of Police or his designee shall notify the news media serving the City and shall cause three copies of the declaration of emergency to be posted at the following places within the City: City Hall, the Police Station, and the Post Office.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel