

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

  X   Resolution or Ordinance (Blue)   X   *Waiver of First Requested*  
       Recommendations of Boards, Commissions & Committees (Green)  
       Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: March 16, 2020 (B of T) Date: March 19, 2020

TITLE: An Ordinance Amending Title III, Chapter 31 of the Lombard Village Code in  
Regard to the Village President's Authority to Declare a State of Emergency  
Pursuant to 65 ILCS 5/11-1-6

BACKGROUND/POLICY IMPLICATIONS:

The proposed ordinance amends the Village Code to provide the Village President with authority referenced in 65 ILCS 5/11-1-6 of the Illinois Municipal Code. The Code provides the corporate authorities of the Village may pass an ordinance to grant the Mayor certain emergency powers and authority to exercise the powers of the corporate authorities during an emergency by executive order.

Review (as necessary):

|                    |           |      |                |
|--------------------|-----------|------|----------------|
| Village Attorney X | _____     | Date | _____          |
| Finance Director X | _____     | Date | _____          |
| Village Manager X  | <u>SN</u> | Date | <u>3/17/20</u> |

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** Keith Giagnorio, Village President  
Village Board of Trustees

**FROM:** Scott Niehaus, Village Manager

**DATE:** March 16, 2020

**SUBJECT:** **AN ORDINANCE AMENDING TITLE III, CHAPTER 31 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE VILLAGE PRESIDENT'S AUTHORITY TO DECLARE A STATE OF EMERGENCY**

Attached please find the following proposed ordinance:

*An Ordinance Amending Title III, Chapter 31 of the Lombard Village Code in Regard to the Village President's Authority to Declare a State of Emergency Pursuant to 65 ILCS 5/11-1-6*

The proposed ordinance amends the Village Code to provide the Village President with authority referenced in 65 ILCS 5/11-1-6 of the Illinois Municipal Code. The Code provides the corporate authorities of the Village may pass an ordinance to grant the Mayor certain emergency powers and authority to exercise the powers of the corporate authorities during an emergency by executive order.

As proposed, the ordinance provides that the Village President is authorized to render a declaration of a state of emergency under certain circumstances where there has occurred or is an imminent danger of natural disaster, catastrophe, pestilence, contagious disease or other public health emergency likely to cause loss of life, loss of productivity, hardship or suffering to the persons residing or doing business within the Village. During a state of emergency, the Village President shall be authorized to exercise, by executive order, such powers of the Corporate Authorities as may be reasonably necessary to respond to the emergency.

The passage of the attached ordinance is solely an amendment of the existing Municipal Code to set forth the standards and procedures for declaring a local emergency, and does not itself, constitute an emergency declaration. Any subsequent emergency declaration pursuant to the Ordinance would take place separately from the passage of this ordinance upon final approval of the local procedures and standards.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE III, CHAPTER 31  
OF THE LOMBARD VILLAGE CODE IN REGARD TO  
THE VILLAGE PRESIDENT'S AUTHORITY TO DECLARE  
A STATE OF EMERGENCY PURSUANT TO 65 ILCS 5/11-1-6**

**WHEREAS**, Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) provides that the corporate authorities of each municipality may, by ordinance, grant to the Village President the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency; and

**WHEREAS**, such ordinance is to establish the standards to be relied upon for the Village President to determine when a state of emergency exists; and

**WHEREAS**, it is in the best interests of the Village and its residents that the Village President be granted the authority as provided for pursuant to 65 ILCS 5/11-1-6;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** The above recitals are incorporated herein by reference.

**SECTION 2:** That Title III, Chapter 31 of the Lombard Village Code is amended by adding a new Section 31.18 thereto, which shall read in its entirety as follows:

**"§ 31.18 Village President's Authority to Declare a State of Emergency:**

(A) The Village President is hereby authorized to render a declaration of a state of emergency within the Village based on the following findings and supporting facts:

- (1) There has occurred, or there is an actual imminent danger of the occurrence of, a natural disaster, catastrophe, pestilence, contagious disease or other public health emergency, which is likely to cause loss of life, loss of productivity, hardship or suffering to the persons residing in or doing business in the Village.

(2) The declaration of a state of emergency and the actions to be taken pursuant to that declaration are specifically designed to, and likely to, address and alleviate the potential loss of life, loss of productivity, hardship and suffering.

(B) The declaration of a state of emergency shall:

(1) Be in writing and executed under oath;

(2) Set forth the basis and underlying facts supporting the declaration of a state of emergency;

(3) Make reference to published statements of federal, state or county agencies whose duty it is to address emergency matters;

(4) To the extent possible, specify the procedures and protocols to be followed during the state of emergency;

(5) To the extent possible, make specific reference to any regulations which may be subject to suspension during the state of emergency; and

(6) Consistent with subsection (E) below, set forth the duration of the state of emergency.

(C) The declaration of a state of emergency shall be filed with the Village Clerk as soon as practicable after being issued.

(D) During said state of emergency, the Village President shall be authorized to exercise, by executive order, such powers of the Corporate Authorities as may be reasonably necessary to respond to the emergency.

(E) Any state of emergency declared pursuant to this Section shall expire no later than the adjournment of the first regular meeting of the Corporate Authorities after the state of emergency has been declared.

(F) A declaration of a state of emergency, pursuant to this Section, may not suspend in any way the rights of residents of the Village under the Illinois Constitution or the United States Constitution.”

**SECTION 3:** That this Ordinance shall be in full force and effect from and after its adoption and approval, as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2020.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

