

ORDINANCE NO. 2020-11

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION) OF THE STREATOR MUNICIPAL CODE TO ADD SECTION 2.04.070 AUTHORIZING THE MAYOR TO DECLARE A STATE OF EMERGENCY SHOULD THE NEED ARISE AND AUTHORIZING PURCHASE CONTRACTS AS NECESSARY TO RESOLVE A STATE OF EMERGENCY WITHOUT PUBLIC ADVERTISEMENT WITHIN THE CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS

Recitals

- A. 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 Mayor 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.
- B. Such an ordinance must establish the standards to be relied upon for the Mayor to determine when a state of emergency exists.
- C. Section 8-10-5 of the Illinois Municipal Code (65 ILCS 5/8-10-5) provides that, after an emergency affecting public health or safety has been declared by affirmative vote of the majority of the corporate authorities of a municipality, where the nature of the danger to the public health or safety has been identified, the corporate authorities may authorize the letting of contracts to the extent necessary to resolve such emergency without public advertisement.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS, AS FOLLOWS HEREIN.

SECTION 1: The findings contained in the Recitals to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Chapter 2.04 (Mayor) of Title 2 (Administration) of the Streator Municipal Code is hereby amended to add Section 2.04.070 as follows below.

CHAPTER 2.04

2.04.070 – Emergency Powers.

The Mayor is authorized to render a declaration of a state of emergency within the City based on the following findings and supporting facts:

- (1) Any type of emergency, natural disaster or catastrophe which will likely cause damage, injury, losses, hardship or suffering to the community or its residents, which can be

construed broadly to include disease epidemics and other public health emergencies, is imminent or has occurred; and

- (2) The emergency is severe enough to require the declaration of emergency in order to supplement local resources in preventing loss of life or injury, alleviating damages, loss, hardship or suffering or to necessitate measures to be taken, including the identification of any applicable procedures, rules or regulations that will be waived or suspended, during the emergency.

The exercise of these powers shall be based upon a statement, signed under oath by the Mayor, finding that the standards herein which form the basis for such a declaration have been met, along with those facts which substantiate such a finding and declaring that a state of emergency exists. This written declaration shall be filed with the City Clerk as soon as practicable.

Based on the nature of the danger to the public health or safety as set forth in the Mayor's declaration of emergency, the Mayor is authorized to:

- (a) to exercise, by executive order, such powers of the Corporate Authorities as may be reasonably necessary to respond to the emergency; and
- (b) to exercise, by executive order, the authority to the City Manager or City purchasing agent, or their designees, to let contracts to the extent necessary to resolve such emergency upon declaration, without public advertisement.

Any state of emergency declared pursuant to this authority shall expire no later than the adjournment of the first regular meeting of the Corporate Authorities after the state of emergency has been declared in accordance with Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6); however, if the state of emergency has not been resolved as of commencement of the first regular meeting of the Corporate Authorities after the state of emergency has been declared, the authorizations set forth above in this Section shall remain in full force and effect without further action by the Mayor or Corporate Authorities until such state of emergency has been resolved as declared in writing by the Mayor or until the authorizations are withdrawn by passage of an ordinance by an affirmative majority vote the Corporate Authorities at a public meeting.

A declaration of emergency pursuant to this authority may not suspend in any way the rights of residents of the City under the Illinois Constitution or the United States Constitution.

SECTION 3: Pursuant to Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4), the Mayor and City Council of the City of Streator find and decide that it is in the best interests of the City that the provisions of this Ordinance shall be effective immediately for purposes of implementation and enforcement, as noted above, and such provisions shall be effective immediately provided that this Ordinance receives a favorable vote of two-thirds (2/3rds) of the Corporate Authorities of the City then holding office, that is 4 of 5 of the Corporate Authorities vote in favor of the Ordinance.

SECTION 4: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other

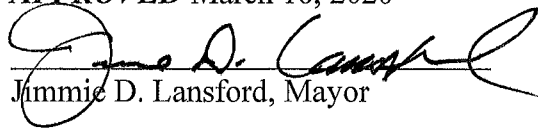
provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 5: Except as to the amendments heretofore mentioned, all titles, chapters, articles, and sections of the Streator Municipal Code shall remain in full force and effect.

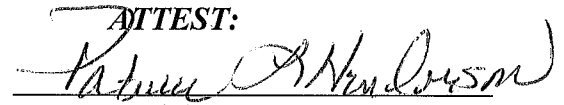
PASSED at a regular meeting of the City Council of the City of Streator, Illinois on March 18, 2020, by a roll call vote as follows:

RECORD OF THE VOTE	AYE	NAY	ABSENT
Mayor Jimmie D. Lansford	√		
Councilwoman Tara Bedei	√		
Councilman Ed Brozak	√		
Councilman Brian Crouch	√		
Councilman Joe Scarbeary	√		

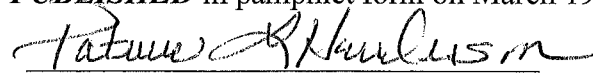
APPROVED March 18, 2020


 Jimmie D. Lansford, Mayor

ATTEST:


 Patricia L. Henderson, City Clerk

PUBLISHED in pamphlet form on March 19, 2020

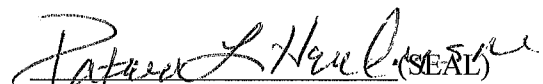

 Patricia L. Henderson, City Clerk

STATE OF ILLINOIS)
) ss
 COUNTY OF LASALLE)

CERTIFICATE OF MUNICIPAL CLERK

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the City of Streator, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the Mayor and City Council of the City. I do further certify that the attached and foregoing is a true and correct copy of ORDINANCE NO. 2020-11: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION) OF THE STREATOR MUNICIPAL CODE TO ADD SECTION 2.04.070 AUTHORIZING THE MAYOR TO DECLARE A STATE OF EMERGENCY SHOULD THE NEED ARISE AND AUTHORIZING PURCHASE CONTRACTS AS NECESSARY TO RESOLVE A STATE OF EMERGENCY WITHOUT PUBLIC ADVERTISEMENT WITHIN THE CITY OF STREATOR, LASALLE AND LIVINGTON COUNTIES, ILLINOIS** as passed by the Streator City Council at its regular meeting held on March 18, 2020 and as approved by the Mayor on March 18, 2020.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the City of Streator, Illinois.


 Patricia L. Henderson, City Clerk