



## Legislation Text

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**File #:** 20-0268, **Version:** 2

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**TO:** The Mayor and City Council

**FROM:** The Law Department

**DATE:** May 4, 2020

**SUBJECT:**

The State of Emergency in the City of Aurora Related to COVID-19

**PURPOSE:**

To align the state of emergency in the City of Aurora with the statewide state of emergency related to the COVID-19 Pandemic.

**BACKGROUND:**

Since March 2020, the State of Illinois and the City have operated under a state of emergency due to the ongoing novel coronavirus COVID-19 pandemic. Mayor Irvin initially declared a state of emergency on March 18, 2020, and the City Council confirmed the emergency on April 1, 2020, authorizing the Mayor to continue to exercise certain powers under Section 2-45 of the Code of the City Code to facilitate the City's response to the crisis until May 15.

Pursuant to an initial state of emergency declared in March and to stem the spread of the virus, Governor Pritzker issued a series of executive orders which closed bars and restaurants for on-site service and later banned most gatherings and closed all but what his order defined as essential businesses and operations. City offices have been closed to the public since March 19.

On April 30, 2020, Governor Pritzker issued a second proclamation declaring a state of emergency in Illinois due to the COVID-19 pandemic and re-issued approximately 25 of his COVID-19-related executive orders. These orders will continue to affect the way the City is able to conduct its operations, and in particular, continue to prevent the deliberative bodies of the City, including the City Council, from conducting its business according to City Ordinance. The orders have also significantly impacted businesses located within the City. To compensate for this, the Mayor has issued a series of orders pursuant to Section 2-45 of the City Code, to facilitate the ongoing operations of the City, and to lessen the adverse impact of the Governor's order on businesses.

Though the Governor's authority to re-proclaim a state of emergency and continue to exercise what are commonly described as "emergency powers" are currently the subject of litigation as of this writing, it is very likely that, whether through subsequent judicial or legislative authorization, that both the statewide state of emergency and the substance of the directives in the Governor's orders will remain in effect for the foreseeable future and until the crisis has subsided.

**DISCUSSION:**

The Council's prior confirmation of a state of emergency expires on May 15. Without an extension, it will not be possible (absent a second mayoral proclamation) under the City's ordinances, for the Council to continue to meet electronically or for the relaxation of several provisions of the City's liquor ordinance intended to assist restaurants and bars to remain in effect. While the City Council could choose to amend or supersede the City Code to accomplish these and other specific objectives, the frequency with which the Governor has issued executive orders and the temporary (though prolonged) nature of the state of emergency, makes the continued use of Section 2-45 a more flexible alternative.

The powers authorized by Section 2-45 and this Ordinance are relatively limited and designed to balance the need for flexibility during emergencies against the importance of the public discourse and the ordinarily legislative process. They do not radically alter the relationship between the Mayor and the City Council nor do they permit the Mayor to "rule by fiat." Instead, they provide the Mayor with practical and temporary tools to adapt to the unique challenges presented by the pandemic and the resultant statewide executive orders.

**IMPACT STATEMENT:**

Nothing in Section 2-45 or this Ordinance suspends or even abridges the authority of the Council to legislate, approve contracts, or make significant decisions unrelated to emergency response.

**RECOMMENDATIONS:**

That the Council approve this Ordinance.



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance confirming the ongoing State of Emergency within the City of Aurora due to the COVID-19 Pandemic.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a Gubernatorial Disaster Proclamation declaring a state of emergency throughout the State of Illinois as a result of the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Mayor of the City of Aurora declared a state of emergency within

the City pursuant to Section 11-1-6 of the Illinois Municipal Code; and

WHEREAS, upon the declaration of said state of emergency, the Mayor became authorized to execute the powers set forth in Section 2-45 of the City Code of the City of Aurora (Section 2-45); and

WHEREAS, on April 1, 2020, the City Council confirmed the state of emergency within the City; and

WHEREAS, on April 30, 2020, the Governor extended the statewide state of emergency due to the COVID-19 pandemic; and

WHEREAS, the City Council finds that the underlying causes of the state of emergency as previously declared by the Mayor and confirmed by City Council continue to exist within the City and are likely to persist for the foreseeable future; and

WHEREAS, the City Council finds it appropriate to remain in a state of emergency so long as a statewide state of emergency due to the COVID-19 pandemic remains in effect;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that the state of emergency first declared by the Mayor on March 16, 2020 and confirmed by the Council on April 1, 2020 shall remain in effect so long as the State of Illinois remains in a statewide state of emergency as a result of the COVID-19 pandemic, and further

BE IT ORDAINED, that the Mayor shall continue to be vested with the authority conferred by Section 2-45 so long as the state of emergency confirmed by this Ordinance remains in effect;

BE IT ORDAINED, that during the time that the state of emergency confirmed by this Ordinance remains in effect, the Mayor shall be and hereby is authorized to enter into any intergovernmental or mutual aid agreement on behalf of the corporate authorities of the City to the extent that such agreement is intended to effectuate any action convenient or necessary to cope with or mitigate the effects of the emergency, including, but not limited to agreements, required to carry out the purposes of Section 2-45 or provide access to financial aid to the City or its residents; and further

BE IT ORDAINED, that this Ordinance shall immediately cease to be effective upon the conclusion of the statewide state of emergency related to the COVID-19 pandemic or upon the earlier declaration by the Mayor; and further

BE IT ORDAINED, that nothing in this Ordinance shall be construed as limiting the authority of the Mayor to declare a state of emergency within the City in accordance with the law for reasons unrelated to the COVID-19 pandemic.