

**EMERGENCY MEETING OF THE
VILLAGE OF HUNTLEY
VILLAGE BOARD OF TRUSTEES**

**MONDAY, MARCH 16, 2020
5:00 P.M.**



AGENDA

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Huntley shall conduct an emergency meeting on Monday, March 16, 2020 at 5:00 p.m. The emergency meeting will be held in Conference Room C107, Huntley Municipal Complex, 10987 Main Street, Huntley, Illinois for the purpose of considering the following item:

1. Roll Call
2. Items for Discussion and Consideration:
 - a. Consideration – An Ordinance Amending Title III, Chapter 33 of the Village Code Regarding Village Operations in Times of Emergency
3. Adjournment

MEETING LOCATION
Village of Huntley Municipal Complex
10987 Main Street
Huntley, IL 60142

The Village of Huntley is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, are requested to contact Mr. David Johnson, Village Manager at 847-515-5200. The Village Hall is handicap accessible.

David J. Johnson, Village Manager

VILLAGE OF HUNTLEY

AN ORDINANCE AMENDING THE HUNTLEY VILLAGE CODE
REGARDING VILLAGE OPERATIONS IN TIMES OF EMERGENCY

ORDINANCE (O)2020-___

WHEREAS, the Village of Huntley (the “*Village*”) is a home rule municipality operating under the authority of Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, the Illinois Emergency Management Agency Act, 20 ILCS 3305/1 *et seq.*, the Village’s home rule powers, and other applicable authority, the Village Board of Trustees (the “*Village Board*”) is authorized to adopt ordinances for the operations of the Village during times of disaster or emergency; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village and its residents to amend the Huntley Village Code (the “*Village Code*”) to ensure that the operations of the Village can continue with as much normalcy as possible during times of disaster or emergency;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HUNTLEY as follows:

SECTION I: Recitals. The foregoing recitals are incorporated herein as if fully set forth.

SECTION II: Amending Title III, Chapter 33 of the Village Code. Chapter 33, entitled “Emergency Services,” of Title III, entitled “Administration – Government” of the Village Code is hereby amended to add a new Section 33.12, which shall hereafter be and read as follows:

§ 33.12 EMERGENCY AND DISASTER SITUATIONS; DECLARATION OF STATE OF EMERGENCY.

(a) During a state of emergency as established in Subsection (b) of this Section, the Village President (or the President’s designee as hereinafter provided) may exercise by executive order extraordinary power and authority on behalf of the Village pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(b) In the event of a declaration of disaster affecting the Village as provided in the Illinois Emergency Management Agency Act or in the event of any circumstance of the nature of a disaster as defined in 20 ILCS 3305/4 (the “Standards”), the Village President may declare that a state of emergency exists by signing, under oath, a statement finding that such Standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency, and

declaring that a state of emergency exists. Such statement shall be filed with the clerk of the municipality as soon as practicable. Appropriate steps shall be taken to disseminate information regarding such state of emergency to other members of the corporate authorities, as well as the Village administrative staff and members of the Huntley Police Department.

(c) The powers set forth in Subsections (a) and (b) of this Section shall be exercised by the Village President, or, in the event of the President's incapacity, the most senior Trustee who is not incapacitated,

(d) A state of emergency, declared as provided in this Section, shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

(e) Nothing in this Section shall be deemed to limit any powers or authority of the Village EMA as otherwise provided in this Chapter.

SECTION III: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Goldman	_____	_____	_____	_____
Trustee Hoeft	_____	_____	_____	_____
Trustee Kanakaris	_____	_____	_____	_____
Trustee Leopold	_____	_____	_____	_____
Trustee Piwko	_____	_____	_____	_____
Trustee Westberg	_____	_____	_____	_____

PASSED and APPROVED this _____ day of _____, 2020.

APPROVED:

Village President

ATTEST :

Village Clerk

AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY
ORDINANCE (O)2020-03.19

WHEREAS, the Village of Huntley, McHenry and Kane Counties, Illinois (“Village), is a home rule unit of government and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides for the declaration of a state of emergency and the grant of extraordinary authority to the Village President by the corporate authorities; and

WHEREAS, the Illinois Emergency Management Agency Act, 20 ILCS 3305/11, further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor; and

WHEREAS, the Village now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the Village; and

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

ARTICLE 1

The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

ARTICLE 2

That Title III, Chapter 33, entitled "Emergency Services" of the Village Code is hereby amended to include the following section and to read as follows:

Section 33.12 – LOCAL STATE OF EMERGENCY

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the village, resulting in or threatening the

death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew: a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(b) *Declaration.* Whenever an emergency, as defined in subsection (a) of this section exists, the Village President is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Village President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.

(c) Curfew authorized. After proclamation of a Local State of Emergency by the Village President, he or she may order a general curfew applicable to such geographical areas of the village or to the village as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(d) Orders authorized. After the proclamation of a Local State of Emergency, the Village President may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the state of emergency:

- 1) All actions reasonably necessary to respond to the emergency;
- 2) Approve previously appropriated expenditures of the village for the purpose of continuing the operations of the municipality; and
- 3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Village President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.
- 4) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- 5) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- 6) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- 7) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;

(e) Duration. The declaration herein authorized shall be effective for a period of up to **[XX days]** or until the adjournment of the next regular or special meeting of the village council,

whichever comes first, unless sooner terminated by a proclamation of the Village President, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Village President or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each [XX day] period during the time said emergency exists.

(f) Notice. Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the Village, and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the village: the village hall, the police station, the post office, and in the area of any curfew.

(g) Violations. Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by Section 33.99 of the Village code.

(h) Effect on other ordinances. Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

ARTICLE 3

EFFECTIVE DATE. This Ordinance shall be in full force and effect on March 17, 2020.

ARTICLE 4

REPEAL OF CONFLICTING PROVISIONS. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

ARTICLE 5

SEVERABILITY. 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.

	Aye	Nay	Absent	Abstain
Trustee Goldman	_____	_____	_____	_____
Trustee Hoeft	_____	_____	_____	_____
Trustee Kanakaris	_____	_____	_____	_____
Trustee Leopold	_____	_____	_____	_____
Trustee Piwko	_____	_____	_____	_____
Trustee Westberg	_____	_____	_____	_____

PASSED and APPROVED this 16th day of March 2020.

APPROVED:

Village President

ATTEST:

Village Clerk

DRAFT