

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
EMERGENCY MEETING**

Wednesday, March 19, 2020

1:00 P.M.

40 East Center Avenue  
Village Hall Board Room

**MEETING NOTICE AND AGENDA**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. NON-AGENDA ITEMS AND VISITORS

The Village President and Board of Trustees allocate fifteen (15) minutes during this item for those individuals who would like the opportunity to address the Village Board of Trustees on any matter not listed on the agenda. Each person addressing the Village Board of Trustees is asked to limit their comments to a maximum of five (5) minutes.

4. AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 5 OF THE LAKE BLUFF MUNICIPAL CODE REGARDING CIVIL EMERGENCIES
5. VILLAGE PRESIDENT EXECUTES A DECLARATION OF EMERGENCY
6. MOTION TO EXTEND THE DURATION OF THE DECLARATION OF EMERGENCY
7. ADJOURNMENT

*R. Drew Irvin  
Village Administrator*

\*Consistent with the state of emergency related to the coronavirus, social distancing for everyone attending this meeting will be strictly enforced. While public comment will be allowed as required by law, the general public is encouraged not to attend this meeting unless necessary.

\*\*The Village of Lake Bluff 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 R. Drew Irvin, Village Administrator, at 234-0774 or TDD number 234-2153 promptly to allow the Village of Lake Bluff to make reasonable accommodations.

**VILLAGE OF LAKE BLUFF  
REQUEST FOR BOARD ACTION**

**Agenda Item: 4**

**Subject:** AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 5 OF THE LAKE BLUFF MUNICIPAL CODE REGARDING CIVIL EMERGENCIES

**Action Requested:** CONSIDERATION OF THE ORDINANCE (First and Second Reading)

**Originated By:** VILLAGE ATTORNEY

**Referred To:** VILLAGE BOARD

**Summary of Background and Reason For Request:**

As outlined in the March 15, 2020 memorandum from Village Attorney Peter Friedman, the attached ordinance amends the emergency powers provisions of the Village Code by

1. Expanding the definition of civil emergencies to include epidemics of infectious disease;
2. Extending the duration of a declared civil emergency; and
3. More explicitly describing the various types of emergency orders the Village President may issue during a civil emergency.

Given the increasing risk of exposure to and infection of COVID-19, it is recommended that second reading be waived so as to allow for the Village President's immediate Declaration of Emergency.

**Reports and Documents Attached:**

1. Ordinance Amending Chapter 5 of Title 5 of the Lake Bluff Municipal Code Regarding Civil Emergencies.
2. Village President's Declaration of Emergency (**Agenda Item #5**).

**Village Administrator's Recommendation:** **Approval of the Ordinance.**

**Date Referred to Village Board:** 3/9/2020

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**ORDINANCE NO. 2020-\_\_**

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**AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 5 OF THE LAKE BLUFF MUNICIPAL  
CODE REGARDING CIVIL EMERGENCIES**

Passed by the Board of Trustees, \_\_\_\_\_, 2020

Printed and Published, \_\_\_\_\_, 2020

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees

VILLAGE OF LAKE BLUFF  
LAKE COUNTY, ILLINOIS

I hereby certify that this document  
was properly published on the date  
stated above.

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Village Clerk

**ORDINANCE NO. 2020-\_\_**

**AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 5 OF THE LAKE BLUFF MUNICIPAL CODE REGARDING CIVIL EMERGENCIES**

**WHEREAS**, the Village of Lake Bluff is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, Chapter 5, titled “Civil Emergencies” of Title 5, titled “Police and Public Safety,” of the “Lake Bluff Municipal Code,” as amended (“**Village Code**”) grants the Village President the authority to declare a civil emergency under certain circumstances and issue executive orders to address the emergency; and

**WHEREAS**, the Village desires to amend Chapter 5 of Title 5 of the Village Code to update and clarify various provisions, including, without limitation; (i) various definitions, including the definition of “civil emergency”; (ii) the process and timeframes for issuing and extending a declaration of emergency; and (iii) the types of orders that may be issued during a declared civil emergency (collectively, “**Amendments**”); and

**WHEREAS**, pursuant to the authority granted by State law, including specifically, Section 11-1-6 of the Illinois Municipal Code, and the Village’s home rule authority, the Village President and Village Board have determined that it is in the best interest of the Village and the public’s health, safety and welfare to amend the Village Code in the manner provided in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LAKE BLUFF, LAKE COUNTY, ILLINOIS, AS FOLLOWS:**

**Section 1. Recitals.**

The foregoing recitals are incorporated herein as findings and determinations of the Board of Trustees.

**Section 2. Amendment to Chapter 5 of Title 5 of the Village Code.**

Chapter 5, titled “Civil Emergencies,” of Title 5, titled “Police and Public Safety,” of the Village Code is hereby repealed and replaced in its entirety as set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

**Section 3. Effective Date.**

This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law by two-thirds of the corporate authorities of the Village.

[SIGNATURE PAGE FOLLOWS]

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2020, by vote of the Board of Trustees of the Village of Lake Bluff, as follows:

**AYES:**

**NAYS:**

**ABSTAIN:**

**ABSENT:**

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

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

**PASSED:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**PUBLISHED IN PAMPHLET FORM:** \_\_\_\_\_

**EXHIBIT A**  
**CHAPTER 5**  
**CIVIL EMERGENCIES**

**5-5-1: DEFINITIONS:**

In this chapter, the definitions set forth in the Illinois Emergency Management Agency Act, as amended [20 ILCS 3305/1 *et seq.*], shall be applicable unless the context clearly indicates otherwise.

**CIVIL EMERGENCY:** a “Disaster” as defined in the Illinois Emergency Management Agency Act, as amended. Specifically, and without limitation of the foregoing, a “civil emergency” includes the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.

**5-5-2: DECLARATION OF CIVIL EMERGENCY:**

Pursuant to the authority granted by State law including, without limitation, Section 11-1-6 of the Illinois Municipal Code, and the Village’s home rule authority, whenever the Village President determines that a civil emergency exists in the Village, the Village President shall have the extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the Village as may be reasonably necessary or appropriate to eliminate or minimize the dangers arising from such civil emergency and for the protection of the health, safety and general welfare of the public; provided, however, that prior to exercising any such extraordinary power and authority, the Village President shall have executed under oath a written declaration of civil emergency containing the following:

- A. An express declaration that a civil emergency exists; and
- B. A statement of facts known to the Village President, either directly or upon information and belief, which describes the nature of the civil emergency and substantiates the finding that a civil emergency exists.

Unless expressly stated otherwise, a declaration issued pursuant to this Chapter shall be considered a local disaster declaration made pursuant to Section 11 of the Emergency Management Agency Act.

**5-5-3: ORDERS BY THE VILLAGE PRESIDENT:**

The Village President may, upon the issuance of a declaration of civil emergency in accordance with Section 5-5-2, issue orders to implement any or all of the following:

- A. The imposition of a curfew applicable to such geographical areas of the Village or to the Village as whole, as deemed advisable by the Village President, and applicable during such hours of the day or night as deemed necessary by the Village President in the interest of the public safety and welfare;
- B. The discontinuance of selling, distributing, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

- C. The closure of any business establishment anywhere within the Village for the period of civil emergency, including, without limitation, businesses selling intoxicating liquors, gasoline, or firearms;
- D. The closure any public street, thoroughfare or vehicle parking areas to vehicular and/or pedestrian traffic;
- E. The calling upon regular and auxiliary law enforcement agencies and organizations without or within the Village to assist in preserving and keeping the peace within the Village;
- F. The authorization of the Village President, the Village Administrator, or the coordinator of the Lake Bluff emergency disaster service agency to enter into contracts for the procurement of supplies and services necessary to address the civil emergency that would normally require the approval of the full Village Board;
- G. The incurrence of obligations, the appropriation of funds, and the provision of emergency assistance reasonably necessary to respond to or mitigate the civil emergency;
- H. The prohibition of increases in the prices of goods and services sold within the Village; and
- I. Any other actions reasonably necessary to address the civil emergency and protect life and property.

**5-5-4: NOTICE:**

A declaration of civil emergency shall be: (i) filed with the Village Clerk as soon as practicable; (ii) promptly disseminated to the news media; and (iii) promptly posted at Village Hall, the post office, and on the Village's social media pages and website.

**5-5-5: TERM; EXTENSION; TERMINATION:**

- A. Term: A declaration of civil emergency shall expire and automatically terminate, if not extended pursuant to subsection B of this section, not later than: (i) the adjournment of the first regular or special meeting of the Village Board; or (ii) seven days after the declaration is issued, whichever occurs first.
- B. Extension: The Village Board may by motion extend the initial duration of a declaration of civil emergency and any orders issued by the Village President in connection therewith. The extension shall be for the duration necessary and in the best interest of the Village and the public to address the continuing civil emergency as determined by the Village Board.
- C. Termination by the Village President: A declaration of civil emergency may be otherwise terminated at any time in writing and executed by the Village President.

**5-5-6: VIOLATIONS; PENALTY:**

Any person violating the provisions of this chapter or any executive order issued pursuant this Chapter, shall be guilty of an offense against the Village and shall be punishable by a fine as provided in the general penalty provisions of Section 1-4-1 of this Code.

**DECLARATION OF EMERGENCY  
VILLAGE OF LAKE BLUFF, ILLINOIS  
MARCH \_\_, 2020**

I, Village President Kathleen O’Hara, do hereby issue this Declaration of Emergency for the Village of Lake Bluff, this \_\_\_\_ day of March, 2020 (“*Declaration*”).

Introduction

The United States Centers for Disease Control (CDC), the United States Department of Health and Human Services (HHS), and the World Health Organization (WHO) have each determined that the SARS-CoV-2 virus causes the COVID-19 respiratory disease. The SARS-CoV-2 virus is a new strain of coronavirus that had not been previously identified in humans and is easily spread from person to person. The COVID-19 disease can result in serious illness and death.

Dozens of confirmed cases of COVID-19 have been identified in the State of Illinois; to date, most of the cases in Illinois are in the greater Chicagoland area, including in Lake County, Illinois. On January 31, 2020, the Secretary of HHS declared a public health emergency for the entire United States of America concerning COVID-19. On March 9, 2020, Governor Pritzker issued a disaster proclamation concerning the spread of COVID-19 in Illinois. On March 11, 2020, WHO declared that the spread of COVID-19 is a global pandemic. On March 13, 2020, President Trump declared a national emergency concerning the COVID-19 pandemic.

The Illinois Department of Public Health has now confirmed localized community person-to-person transmission of COVID-19 in Illinois, significantly increasing the risk of exposure and infection to Illinois’ general public and creating an extreme public health risk in the Village and throughout the State. As has been experienced in other locales in the United States and around the world, the SARS-CoV-2 virus has the potential to infect large numbers of people in a short amount of time, placing extreme burdens on the health care system and the economy.

In order to prevent the spread of COVID-19 in the Village, and to protect the residents of the Village from disease and death, I find that it is necessary to issue this Declaration to implement emergency regulations and orders, all as set forth in this Declaration.

Statement of Authority

This Declaration is issued pursuant to the authority granted to me by: Sections 5-5-2 and 5-5-3 of the “Lake Bluff Municipal Code,” as amended (“*Village Code*”); Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and Section 11 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/11.

Declaration

I hereby declare that a state of emergency exists in the Village of Lake Bluff, for the reasons set forth in this Declaration.

**DECLARATION OF EMERGENCY  
VILLAGE OF LAKE BLUFF, ILLINOIS  
MARCH \_\_, 2020**

Emergency Regulations and Orders

I hereby direct and order as follows:

1. *Emergency Purchasing.* I order that the Village may enter into contracts for the emergency purchase of goods and services that may be necessary for the preparation for, response to, and recovery from, the COVID-19 pandemic. The Village President and the Village Administrator are hereby authorized to execute such contracts in accordance with applicable law.
2. *Emergency Staffing.* This Declaration constitutes a declaration of civil emergency under the Village's collective bargaining agreements. Accordingly, I direct the Village Administrator to implement such emergency staffing protocols and procedures as may be necessary for the preservation of public health and safety, and for the preservation of the health of Village employees. Specifically, and without limitation of the foregoing, the Village Administrator is authorized to implement alternative staffing protocols, procedures, and shifts for the Village Police and Public Works Departments.
3. *Cooperation with Other Government Agencies.* I direct all Village officials and employees to take all practicable steps to coordinate the Village's resources and emergency operations with the State of Illinois, the County of Lake, and other local governments in and around the Village, to best utilize resources of all agencies in the area for the preparation for, response to, and recovery from, the COVID-19 pandemic.
4. *Closure of Physical Fitness Facilities and Membership Sports and Recreational Clubs.* Beginning on March 19, 2020, all "physical fitness facilities" and "membership sports and recreation clubs," as defined in the Zoning Regulations of the Village Code, shall be closed and prohibited from operating and being open to their members or the public for the duration of the Declaration.

Pursuant to the authority vested in me pursuant to Section 5-5-3 of the Village Code, I reserve the right to issue additional emergency regulations and orders in furtherance of this Declaration. Notice of any additional regulations and orders will be provided to the Village Clerk, posted on the Village website, and otherwise provided to the general public as quickly as practicable.

Effective Date and Period of Emergency

This Declaration shall take effect immediately, and shall expire automatically upon the first to occur of: (i) the adjournment of the next regular or special or emergency meeting of the corporate authorities of the Village; and (ii) 11:59 p.m. on the date that is seven days after the date of this Declaration; provided, however, that corporate authorities, in their discretion, may extend the duration of this Declaration by a majority vote at any regular, special, or emergency meeting of the corporate authorities.

**DECLARATION OF EMERGENCY  
VILLAGE OF LAKE BLUFF, ILLINOIS  
MARCH \_\_, 2020**

Signed and sealed with the official seal of the Village of Lake Bluff on this \_\_\_\_ day of March, 2020.

By:

\_\_\_\_\_  
Kathleen O'Hara  
Village President  
Village of Lake Bluff

\_\_\_\_\_  
*Village Seal*

STATE OF ILLINOIS        )  
                                  ) SS.  
COUNTY OF LAKE        )

**ACKNOWLEDGMENT**

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Kathleen O'Hara, the Village President of the Village of Lake Bluff, Illinois, personally known to me, appeared before me, under oath, this day in person and acknowledged that in such capacity she signed and delivered the said instrument, as her free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this \_\_\_\_ day of March, 2020.

\_\_\_\_\_  
NOTARY PUBLIC