



Naperville

OFFICE OF THE MAYOR

Steve Chirico

June 16, 2020

Executive Order 2020 – 11

EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF NAPERVILLE

RECITALS

1. **WHEREAS**, pursuant to Public Act 101-0640, signed into law by Governor JB Pritzker on June 12, 2020 and effective on the same date, the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (specifically new Section 120/7(e)), has been amended to permit public bodies to conduct public meetings remotely by audio or video conference without a physical quorum of the members of the public body during the pendency of a disaster subject to compliance with certain requirements (“**OMA Remote Meeting Requirements**”); and
2. **WHEREAS**, remote public meetings are permitted to be conducted under 120/7(e) of the Illinois Open Meetings Act only during the pendency of a disaster declaration issued by the Governor or the Illinois Department of Public Health; and
3. **WHEREAS**, on March 9, 2020 Governor Pritzker issued a disaster proclamation for the State of Illinois due to the highly contagious and dangerous nature of COVID-19, which disaster proclamation has been extended from time to time, is currently pending, and may be extended again in the future (hereinafter “**Gubernatorial Disaster Proclamation**” or “**Disaster**”); and
4. **WHEREAS**, due to the contagious and dangerous nature of COVID-19, as Mayor of the City of Naperville, I have determined that it is not practical or feasible for meetings of the Naperville City Council, or its Boards and Commissions, to be held in person during the pendency of the Disaster; and
5. **WHEREAS**, remote meetings of the Naperville City Council and its Boards and Commissions shall be conducted in compliance with the OMA Remote Meeting Requirements during the pendency of the Disaster; and
6. **WHEREAS**, in compliance with the OMA Remote Meeting Requirements, there shall be physically present at the regular meeting location for the City Council, and for each Board and Commission: (i) at least one member of the City Council, Board, or Commission, as applicable; (ii) the City Attorney, or his designee; or (ii) the chief administrative officer (“**Chief Administrative Officer**”) for the City



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Council, Board, or Commission, as applicable, or their respective designees as provided herein; and

7. **WHEREAS**, this Executive Order shall remain in effect so long as the Gubernatorial Disaster Proclamation is in effect for the State of Illinois.
8. **WHEREAS**, the City of Naperville is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, including taking immediate emergency measures to protect the public welfare in response to the COVID-19 outbreak.

THEREFORE, by the powers vested in me as the Mayor of the City of Naperville, and pursuant to 65 ILCS 5/11-1-6 of the Illinois Municipal Code, 20 ILCS 3305/11 of the Illinois Emergency Management Agency Act, Sections 10-1-1 and 1-8D of the Naperville Municipal Code, the Mayor of Naperville's Declaration of a Local State of Emergency and Disaster and City of Naperville Ordinances No. 20-028 and 20-040, I hereby order the following:

SECTION 1: Recitals. The foregoing Recitals are substantive and are incorporated herein as though fully set forth in this Section 1.

SECTION 2: Gubernatorial Disaster Proclamation. A Disaster Proclamation due to COVID-19 has been issued by the Governor of the State of Illinois encompassing the entire State and is currently in effect.

SECTION 3: In-Person Meetings Not Practical or Feasible. As Mayor of the City of Naperville, I hereby determine that due to the contagious and dangerous nature of COVID-19, it is not practical or feasible for the City Council of the City of Naperville, or for the Boards and Commissions of the City of Naperville, to conduct in-person meetings, and that remote meetings shall be conducted during the pendency of the Disaster by audio or video conference in compliance with the OMA Remote Meeting Requirements.

SECTION 4: Effective During Pendency of the Gubernatorial Disaster Proclamation. This Executive Order shall remain in effect so long as the Gubernatorial Disaster Proclamation, as extended from time to time, remains in effect

SECTION 5: Chief Administrative Officers. For the purpose of conducting remote meetings as permitted by 5 ILCS 120/7(e) of the Illinois Open Meetings Act



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(enacted pursuant to Public Act 101-0640 effective June 12, 2020), the Chief Administrative Officer for the Naperville City Council is the Naperville City Clerk, or her designee; the Chief Administrative Officer for each Board and Commission of the City of Naperville shall be the City staff member assigned to such Board or Commission, or their respective designees.

SECTION 6: Savings clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid or unenforceable by any court of competent jurisdiction, this invalidity or unenforceability does not affect any other provisions or application of this Executive Order which can be given effect without the invalid or unenforceable provision or application. To achieve this purpose, the provisions of the Executive Order are declared to be severable.

SECTION 7: Effective date. This Executive Order shall be in full force and effect from 12:00 A.M. on the date listed atop page one of this Order.

APPROVED this 16th day of June 2020.

Steve Chirico
Mayor