

The City Council of the City of Mattoon held a special City Council meeting in the Council Chambers of City Hall on March 23, 2020.

Mayor Gover presided and called the meeting to order at 8:00 a.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall (attended by audio means per Governor Pritzker's Executive Order 2020-07), YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Police Chief Jason Taylor, and City Clerk Susan O'Brien.

#### PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Gover opened the floor for Public comment with no response from the Public.

#### NEW BUSINESS

Mayor Gover seconded by Commissioner Cox moved to adopt Ordinance No. 2020-5430, amending municipal code Chapter 33 Section 33.015 Powers and Duties of Mayor as the Commissioner of the Department of Public Affairs to establish certain powers to the mayor regarding a local state of emergency.

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### **CITY OF MATTOON, ILLINOIS**

#### **ORDINANCE NO. 2020-5430**

#### **AN ORDINANCE PERTAINING TO LOCAL STATE OF EMERGENCY**

**WHEREAS**, the City of Mattoon, Coles County, Illinois, is a non-home rule unit of government; 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 Mayor 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 City of Mattoon now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the City.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** That Chapter 33, Section 33.015 entitled "POWER AND DUTIES OF MAYOR AS THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC AFFAIRS." of the municipal code is hereby amended by adding the following:

(H) 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 city, 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 city 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 Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, 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 Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city 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 Mayor 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 city 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, Mayor shall be authorized to approve new spending by the City 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 restrictions on ingress or egress to parts of the City to limit the occupancy of any premises;
- 8) To make provisions for the availability and use of temporary emergency housing;
- 9) Temporarily postpone, all meetings of the City Council, and any City committee, commission, board authority, or other City body as deemed appropriate by the Mayor.
- 10) Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways.
- 11) Approve application for local, state, or federal assistance.
- 12) Establish and control routes of transportation, ingress and egress.
- 13) To the extent not superseded by authorities with superior jurisdiction, control ingress and egress from any designated disaster or emergency area or home, building or structures located therein.
- 14) Accept services, gifts, grants loans, equipment, supplies, and /or materials whether from private, nonprofit, or governmental sources.
- 15) Close or cancel the use of any municipally owned or operated building or public facility.
- 16) Issue any and all such other orders or undertake such other functions and activities as the Mayor reasonably believes is required to protect the health, safety, and welfare of persons or property within the City or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster

(e) Duration. The declaration herein authorized shall be effective for a period of up to 21 days or until the adjournment of the next regular or special meeting of the city council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 21-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 City, 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 city: the city hall, the police station 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 City and shall be punished as provided by Section 10.99 of the municipal code of ordinances.

(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 City.

**Section 3. EFFECTIVE DATE.** This Ordinance becomes effective immediately upon passage.

**Section 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.

**Section 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.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 23rd day of March, 2020, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen, Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 23rd day of March, 2020.

/s/Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/Daniel C. Jones  
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on March 23, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill noted the ordinance was recommended by the IML for emergency purposes up to 21 days or the next council meeting; had Attorney Jones and Ancel Glink Attorney Derke Price review; and stated this would be in place in case something would happen. Mayor Gover stated the ordinance was being proactive, not reactive; and noted the City of Charleston was enacting a similar ordinance. Commissioner Cox inquired whether this allowed the City to access Federal Funds. Administrator Gill stated affirmatively, if those funds were available. Commissioner Cox commented that IML's recommendation was adjusted to fit the City of Mattoon with no second amendment or no private property acts. Mayor Gover noted since the City was not home rule, certain items were omitted.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2020-3069, declaring a Local State of Emergency.

**CITY OF MATTOON, ILLINOIS**  
**RESOLUTION NO. 2020-3069**

**DECLARATION OF LOCAL STATE OF EMERGENCY**

State of Illinois

County of Coles

City of Mattoon

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance No. 2020-5430 of the City of Mattoon, I, Timothy D. Gover, the Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, March 23, 2020, and shall continue until such time as provided in Ordinance No. 2020-5430.

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

**WHEREAS**, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

**WHEREAS**, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

**WHEREAS**, the City Administration has coordinated its response with other Coles County governmental entities.

**The nature of the emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community.**

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance No. 2020-5430.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Timothy D. Gover, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

/s/Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

**NOTARY ACKNOWLEDGMENT**

On this 23rd of March, 2020, personally appeared the above-named Timothy D. Gover and acknowledged the foregoing to be (his/her) free act and deed, before me.

/s/Susan J. O'Brien  
Notary Public

My Commission Expires: 06-10-2023

(Seal)

Print Susan J. O'Brien

Mayor Gover opened the floor for questions/comments/discussion with response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, and YEA Mayor Gover.

Mayor Gover thanked those in attendance; and asked everyone to remain calm, use common sense, and follow recommendations of the CDC.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 8:07 a.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, and YEA Mayor Gover.

/s/Susan J. O'Brien  
City Clerk