

ORDINANCE 2020-01

AUTHORIZING EMERGENCY POWERS RELATING TO THE IMPACT OF CORONAVIRUS DISEASE 2019

WHEREAS, in 2017, the Morton Grove-Niles Water Commission ("MGNWC" or "Commission") was established by the Village of Morton Grove, a home rule Illinois municipal corporation ("Morton Grove"), and the Village of Niles, a home rule Illinois municipal corporation ("Niles"), by the adoption of ordinances pursuant to Division. 135 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-135-1, et seq.) ("Division 135"). The establishing ordinances are Morton Grove Ordinance 17-5, which was adopted on March 13, 2017, and Niles Ordinance No. 2017-19, which was adopted on March 14, 2017; and

WHEREAS, in late 2019, a significant outbreak of Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza emerged in China; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois has issued a disaster proclamation due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center. By issuing this declaration, the Governor is possessed with the full authority to take extraordinary steps to remedy the emergency; and

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the CDC indicate that it is expected to spread; and,

WHEREAS, the CDC currently recommends mitigation measures, including practicing social distancing, staying at home when sick, staying home when a household member is sick with respiratory disease symptoms or when instructed to do so by public health officials or a health care provider, and keeping away from others who are sick; and,

WHEREAS, social distancing, which consists of maintaining at least a six-foot distance between people, is the paramount strategy for minimizing the spread of COVID-19 in our communities; and,

WHEREAS, on March 16, 2020, Governor Pritzker issued Executive Order No. 7 which ordered that during the Gubernatorial Disaster Proclamation:

- The provisions of the Open Meetings Act, 5 ILCS 120 requiring that a quorum of the members of a public body be physically present in order to conduct a meeting is suspended and allowed all members of public meetings to attend the meeting remotely through electronic means.
- Public bodies are encouraged to public meetings where possible; and

WHEREAS, the MGNWC has adopted rules allowing for the electronic/remote attendance at Public Meetings which are consistent with the Illinois Open Meetings Act, but in conflict with Governor Pritzker's Executive Order No. 7; and

WHEREAS, it is necessary to modify certain rules, ordinances and procedures of the MGNWC during the Gubernatorial Disaster Proclamation in order to comply with current and future Executive Orders, protect the public health and safety, and maintain the operations of the MGNWC; and

WHEREAS, the Board of Commissioners of the Morton Grove-Niles Water Commission have considered the extent of this public health emergency in acting upon this ordinance and actions required to promote the health, safety and welfare of the citizens it serves.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Morton Grove-Niles Water Commission, Cook County, Illinois, as follows:

SECTION 1: Recitals Incorporated. The Board of Commissioners do hereby incorporate the foregoing WHEREAS clauses into this Ordinance as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: Commission Meetings. During the Gubernatorial Disaster Proclamation and any extension thereof, any regular or special meetings of the Commission may be conducted at the call of the Chairman or two commissioners in accordance with the Illinois Open Meetings Act. While this ordinance remains in effect, all such meetings shall be considered "emergency meetings" under the law.

SECTION 3: Executive Orders.

- A. All Executive Orders now or hereafter issued by the Governor of the state of Illinois in response to COVID-19 are incorporated by reference herein and shall be considered as orders of the Board of Commissioners of the MGNWC pursuant to this ordinance.
- B. In the event the Governor of the state of Illinois or the President of the United States issues an Executive Order in response to COVID-19 which suspends or modifies a state or federal statute, rule, or regulation, all MGNWC ordinances, resolutions, rules or regulations that are substantially similar or related to such state or federal statute, rule, or regulation will be deemed temporarily suspended or modified to the extent necessary to conform to the Executive Order. This includes without limitation the temporary suspension of certain requirements of the Illinois Open Meetings Act 5 ILCS 120 et seq., pursuant to Executive Order 2020-07.

SECTION 4: Purchases and Contracts.

- A. During the Gubernatorial Disaster Proclamation and any extension thereof, the Superintendent with the written concurrence of the Village Administrator of Morton Grove and the Village Manager of Niles may authorize any purchase for which funds are available and are reasonably related to the COVID-19 emergency. Such purchases may be made without following the formal requirement of Purchasing Policy.
- B. During the Gubernatorial Disaster Proclamation and any extension thereof, the Superintendent with the written concurrence of the Village Administrator of Morton

Grove and the Village Manager of Niles may authorize any purchase or execute any contract reasonably required to maintain Commission operations and services.

- C. During the term of the emergency, warrants may continue to be approved at any meeting of the Board of Commissioners or by the Superintendent with the written concurrence of the Village Administrator of Morton Grove and the Village Manager of Niles, provided a copy of the warrants has been posted on the website of the MGNWC and sent to the Commissioners of the MGNWC and the Superintendent does not receive an objection to any item on the warrant list from two or more Commissioners within 5 days after the warrants have been posted on the website. If the Superintendent timely receives such objection(s), he may authorize payment of all items to which there is no objection but shall withhold payment from the item so objected until said item(s) is approved at a Commission meeting. The Superintendent shall provide a report to the Board of Commissioners of all contracts, purchases and payments authorized pursuant to this section at the Commission meeting following such action.

SECTION 5: Severability and Repeal of Inconsistent Ordinances and Resolutions. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances, resolutions or adopted motions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval.

ADOPTED this 26th day of March 2020, pursuant to a roll call vote as follows:

AYES: Fowler, Vinezeano
NAYS: None
ABSENT: Pietron

PASSED by the Board of Commissioners of the Morton Grove-Niles Water Commission, Cook County, Illinois, on a roll call vote at a Regular Meeting thereof held on the 26th day of March 2020, and approved by the Chair, and attested by the Clerk on the same day.



Steven Vinezeano, Chair

ATTEST:

John Pietron, Clerk