



## City of Pekin

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**CITY COUNCIL MEETING  
MONDAY, MARCH 16, 2020  
5:00 PM**

|           |                                                                                                                                                       |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>Pledge of Allegiance</b>                                                                                                                           |
| <b>2.</b> | <b>Call to Order</b>                                                                                                                                  |
| <b>3.</b> | <b>Approve Agenda</b>                                                                                                                                 |
| <b>4.</b> | <b>Public Input</b>                                                                                                                                   |
| <b>5.</b> | <b>New Business</b>                                                                                                                                   |
| 5.1.      | Ordinance No. 2874-19/20 An Ordinance Granting Certain Emergency Powers to the Mayor<br><br><b>ACTION REQUESTED:</b> Approve and Adopt the Ordinance. |
| <b>6.</b> | <b>Any Other Business To Come Before The Council</b>                                                                                                  |
| <b>7.</b> | <b>EXECUTIVE SESSION 5 ILCS 120/2 (c) (2.) Collective Negotiating Matters Between the Public Body and its Employees or their Representatives</b>      |
| <b>8.</b> | <b>Adjourn</b>                                                                                                                                        |



## REQUEST FOR COUNCIL ACTION

**Agenda Date:** March 16, 2020  
**To:** Council Members  
**From:** Sue McMillan, City Clerk

**AGENDA ITEM:** Ordinance No. 2874 Granting Emergency Power to the Mayor.

**ACTION REQUESTED:** Approve and Adopt the Ordinance.

**DESCRIPTION:**

**FINANCIAL IMPACT:**

Requested Amount:  
 Line Item:  
 Budgeted Amount:  
 Remaining Funds:

**IMPACT IF APPROVED:**

**IMPACT IF DENIED:**

**ALTERNATIVES:**

**RELATED TO THE 2019-2021 CITY COUNCIL GOALS:**

**5 Year CIP.** The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

**Enhance Code Enforcement Services.** The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

**Business Friendly Community.** The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a "Business-Friendly" Community.

**Efficient and Effective Municipal Operations.** A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness

**Police & Fire Pension Obligation.** To meet the 90% funding level by the year 2040 it is essential the City plan carefully and maintain financial discipline to meet its \$63 million dollar obligation.

**Employee Residency.** It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

**REQUIRED SIGNATURES**

**Finance Department** (Certification of Availability of Funds):

Date:

**City Manager:**

Date:

**ADOPTED AND APPROVED** at a regular meeting of the City Council of the City of Pekin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**ORDINANCE NO. 2874-19/20**

**AN ORDINANCE GRANTING CERTAIN EMERGENCY POWERS TO THE MAYOR  
AND THE CITY MANAGER**

**WHEREAS**, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

**WHEREAS**, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

**WHEREAS**, the Illinois Municipal Code authorizes the City Council to, by ordinance, grant the Mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the City Council as may be reasonably necessary to respond to the emergency; and

**WHEREAS**, the City Council of the City of Pekin finds it is in the best interests of the City and its residents to grant such power and authority to the Mayor under the terms set forth herein, as well as to grant certain emergency powers to the City Manager, as the administrative head of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** The findings and recitations set forth above are adopted and found to be true and correct.

**Section 2.** Title 1, Chapter 5, Article A of the City of Pekin, Illinois, Municipal Code is hereby amended by the addition of a new Section 3 as follows:

**1-5A-3:        EMERGENCY POWERS OF THE MAYOR.**

A.     Declaration of a State of Emergency. A state of emergency exists when one or more of the following conditions are present or imminent:

1.     The Governor of the State of Illinois, or the President of the United States, has declared a state of emergency, and the conditions giving rise to that declared state of emergency directly affect the territory, populace or property of the City; or
2.     A natural disaster, man-made disaster, or an act of war has overwhelmed, or imminently threatens to overwhelm, the ability of emergency responders or public health officials to safely, adequately or efficiently respond to the needs of the City or protect the safety of its residents; or

3. A pandemic, health emergency, or natural disaster, makes it unsafe or imprudent for non-essential City personnel to report to work or for a quorum of the City Council to meet, or otherwise makes it unsafe or imprudent to carry on normal business operations of the City; or
4. Other unforeseen circumstances, of like kind or severity, arise and affect the safety or welfare of the residents, employees or officers of the City

B. Should the Mayor determine that one or more of the above conditions exists or is imminent, and should the Mayor further determine that it is in the best interest of the City to declare a state of emergency, the Mayor shall sign, 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 City Clerk as soon as practicable.

C. A declaration of a state of emergency made pursuant to Subsection A of this Section shall expire on the earlier to occur of (i) fourteen (14) days following the declaration of an emergency; (ii) such date as a quorum of the City Council is convened to conduct public business; or (iii) the Mayor declares that the state of emergency has ended.

D. Upon a declaration of an emergency, until the expiration of the declaration (the "Emergency Period), the Mayor shall have and may exercise the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regarding any act or acts occurring or committed within the Emergency Period or any extension thereof, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which they may have under the provisions of this Section:

1. To enter into contracts, incur obligations, and approve expenditures and disposition of public funds and property as necessary to respond to the declared emergency.
2. In the event the Emergency Period extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending during the existence of the Emergency Period.
3. To suspend the provisions of any regulatory ordinance prescribing procedures for conduct of City business, or the orders and rules of any City agency, if strict compliance with the provision would in any way prevent, hinder or delay necessary action, including emergency purchases.
4. To utilize all available resources of the City as reasonably necessary to respond to the declared emergency.
5. To direct the City Manager to transfer the direction, personnel, or functions of any City department or agency, or units thereof, to any other City department or agency for the purpose of performing or facilitating response and recovery programs.

6. To enter into such temporary agreements, including memoranda of understanding, with the City's bargaining units in order to ensure the continued provision of City services and the health and safety of the public and City employees during the Emergency Period.
7. To recommend the evacuation of all or part of the population from any stricken or threatened area within the City if he deems this action necessary.
8. To prescribe routes, modes of transportation, and destinations in connection with evacuation.
9. To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
10. To make provision for the availability and use of temporary emergency housing.

E. The Mayor may delegate any of the powers set forth in Section D above to the City Manager as he or she sees fit.

F. Upon the Mayor issuing the declaration herein authorized, the Chief of Police shall notify the news media situated within the City and shall cause three copies of the declaration declaring the existence of the emergency to be posted at the following places within the City: City Hall, the Police Station, and the Post Office. However, the failure of the Chief of Police to provide such notice shall not operate to limit or invalidate the Mayor's emergency powers.

G. In the event the Mayor is unavailable by virtue of being (i) not present within the State, or (ii) incapacitated due to serious illness or injury, the Mayor Pro Tem, as appointed pursuant to Resolution No. 22-07/08, shall have the powers set forth in this Section.

H. Any person found to have violated any provision of this Section or executive order issued pursuant hereto shall be subject to a penalty as provided by section 1-4-1 of the City Code.

**Section 3.** Title 1, Chapter 7 of the City of Pekin, Illinois, Municipal Code is hereby amended by the addition of a new Section 10 as follows:

**1-7-10:EMERGENCY POWERS:**

A. In the event of a declaration of emergency by the Mayor (or the Mayor Pro Tem), pursuant to Section 1-5A-3 of this Code, the City Manager shall have and may exercise the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regarding any act or acts occurring or committed within the Emergency Period, as defined in Section 1-5A-3, or any extension thereof, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which they may have under the provisions of this Section:

1. To purchase supplies and materials, and approve expenditures and disposition of public funds and property as necessary to respond to the declared emergency.
  2. To modify any personnel policies related to safety precautions, leave time, other benefits, or terms and conditions of employment as are reasonably related to providing sufficient staffing as well as ensuring the health and safety of City employees during the Emergency Period, subject to the terms of any collective bargaining agreement then in force.
  3. To enter into such temporary agreements, including memoranda of understanding, with the City's bargaining units in order to ensure the continued provision of City services and the health and safety of the public and City employees during the Emergency Period
  4. To close or limit access to City facilities as is reasonably required to protect the health of the public and employees of the City.
  5. With the advice and consideration of the Finance Director, to extend deadlines for payment related to any amounts due and owing to the City.
- B. To the extent practicable, the City Manager shall coordinate the exercise of the powers granted herein with the Mayor. In the event of a conflict between a directive issued by the Mayor pursuant to Section 1-5A-3 and a directive issued by the City Manager pursuant to this Section, the directive of the Mayor shall control.
- C. In the event the City Manager is unavailable by virtue of being (i) not present within the State, or (ii) incapacitated due to serious illness or injury, the Assistant City Manager shall have the powers set forth in this Section. If the position of the Assistant City Manager is vacant or not filled, then the City Finance Director shall have the powers set forth in this Section.
- D. Any person found to have violated any provision of this Section or administrative order issued pursuant hereto shall be subject to a penalty as provided by section 1-4-1 of the City Code.

**Section 4.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

**PASSED AND APPROVED** at the regular meeting of the City Council of the City of Pekin, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**CERTIFICATE**

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE \_\_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_ ADOPTED ORDINANCE NO. \_\_\_\_\_ A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
CITY CLERK