

NORTHERN MORAINÉ WATER RECLAMATION DISTRICT

ORDINANCE NO. 20-04

**ORDINANCE AUTHORIZING EMERGENCY
POWERS AND PROCEDURES IN RESPONSE TO COVID-19**

WHEREAS, the Northern Moraine Wastewater Reclamation District (the "**District**") is a sanitary district operating pursuant to the authority set forth in the Illinois Sanitary District Act of 1917, 70 ILCS 2405 (the "**Act**"); and

WHEREAS, the District provides, *inter alia*, sanitary sewage collection and treatment services for persons within the corporate limits of the District (the "**Services**"); and

WHEREAS, the District Services are an essential function for the maintenance of the public health, safety, and welfare of the persons living, working, or interacting within the District's service area; and

WHEREAS, Illinois Governor J.B. Pritzker has issued a proclamation of disaster within the State of Illinois as a result of the COVID-19 pandemic (the "**Disaster Proclamation**"); and

WHEREAS, the effects of COVID-19 have caused significant disruption to commerce and personal activities within the District and worldwide; and

WHEREAS, in the face of the challenges arising from COVID-19, the President and Board of Trustees (the "**District Board**") have determined that it is essential for the public health, safety, and welfare of the District, its residents, and those interacting with persons and businesses within the District or having any association with persons or businesses located downstream from the receiving waters of the District's treatment facilities that all steps be taken to ensure the safe, effective, efficient, and continued operation of the District and its facilities (the "**Operations**"); and

WHEREAS, because of the great urgency to maintain the District's Operations and the unique concerns related to COVID-19, the District Board has determined (consistent with its authority under 70 ILCS 2405/11) that it is necessary and appropriate to adopt the procedures and authorizations set forth in this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE NORTHERN MORAINÉ WATER RECLAMATION DISTRICT, LAKE AND McHENRY COUNTIES, ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated herein as if fully set forth.

SECTION TWO: Emergency Powers and Procedures.

(a) During a state of emergency as established in Subsection 2(b) of this Ordinance, the District President (or the President's designee as hereinafter provided) may exercise by executive order extraordinary power and authority on behalf of the District pertaining to the performance of District Operations, including without limitation entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(b) In the event of a declaration of disaster affecting the District as provided in the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.) ("**IEMAA**"), or in the event of any circumstance of the nature of a disaster as defined in 20 ILCS 3305/4 (the "**Standards**"), the District President may declare that a state of emergency exists by signing, under oath personally acknowledged, 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 District Clerk as soon as practicable. Appropriate steps shall be taken to disseminate information regarding such state of emergency to other members of the District Board, as well as the District administrative staff. In addition, the District President (or the President's designee) will make good faith efforts to notify the members of the District Board via email of all decisions or actions taken under this act.

(c) The powers set forth in Subsections (a) and (b) of this Section shall be exercised by the District President, or, in the event of the President's incapacity, the most senior Trustee who is not incapacitated, in which event all references in this Section to the District President shall refer to such senior Trustee. To the extent that multiple Trustees have similar seniority, the most senior Trustee who received the most votes at the last election shall be deemed most senior.

(d) At the first meeting of the District Board following any of the actions set forth in Subsection 2(a) of this Ordinance that would ordinarily require formal approval of the District Board, the actions so taken shall be presented to the District Board for official ratification.

(e) Nothing in Subsections (a) – (d) of this Section shall be deemed to limit authority otherwise available under the IEMAA.

SECTION THREE: Expiration OF Authority. In accordance with 70 ILCS 2405/11, this Ordinance and the authorizations herein approved shall expire upon the earlier of (i) six months after the effective date of this Ordinance, and (ii) the termination of the Disaster Proclamation.

SECTION FOUR: Effective Date. This Resolution shall be in full force and effect

immediately following its approval.

PASSED THIS 19th DAY OF March, 2020.

AYES: 4 ()

NAYS: 0 ()

ABSENT: 1 () Lydia Ryberg

APPROVED THIS 19 DAY OF March, 2020.





President

ATTEST:



District Clerk