

ORDINANCE NO. 2020-06

AN ORDINANCE DECLARING A LOCAL EMERGENCY AND AUTHORIZING EMERGENCY POWERS RELATING TO THE IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, in late 2019, a new and significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged in and around Wuhan, China; and

WHEREAS, COVID-19 is a novel severe acute respiratory illness that can spread among people through respiratory transmissions and present with symptoms similar to those of influenza; and

WHEREAS, certain populations are at higher risk of experiencing more severe illness as a result of COVID-19, including older adults and people who have serious chronic medical conditions or compromised immune systems such as heart disease, cancer, diabetes, lung disease and other diseases or conditions; and

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, on March 9, 2020, Governor J.B Pritzker 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 United States Center for Disease Control and Prevention (“CDC”) indicate that it is expected to spread; and

WHEREAS, on March 13, 2020, President Donald Trump issued a proclamation declaring a national emergency concerning the COVID-19 outbreak; and

WHEREAS, on March 13, 2020, Governor Pritzker issued an executive order mandating that all K through 12 private and public schools shall be closed starting on March 17, 2020, as well as issuing certain directives and prohibitions related to public gatherings of people; and

WHEREAS, on March 15, 2020, Governor Pritzker further ordered that all bars and restaurants be closed for in-person dining and further encouraged more social distancing; and

WHEREAS, on March 20, 2020, Governor Pritzker issued Executive Order No. 2020-10, which, among other things, issued a “stay at home order” until April 7, 2020; and

WHEREAS, Governor Pritzker has since issued multiple executive orders related to the COVID-19 pandemic and has stated that the “stay at home order” may need to be extended; and

WHEREAS, on March 29, 2020, President Donald Trump extended certain social distancing guidelines until at least April 30, 2020, including but not limited to gathering in groups of ten (10) or more; and

WHEREAS, on March 31, 2020, Governor Pritzker extended the “stay at home order” until April 30, 2020; and

WHEREAS, it is plainly apparent that the situation surrounding the COVID-19 pandemic is quickly evolving and the mandates and recommendations from the federal and state levels continue to change and as such, units of local governments must be prepared to act quickly to institute certain measures to contain COVID-19 while still providing certain essential services and conducting certain essential business functions of the units of local government; and

WHEREAS, based on the foregoing, the circumstances surrounding COVID-19 constitute a public health emergency as defined under Section 4 of the Illinois Emergency Management Agency Act (20 ILCS 3305/4); and

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

WHEREAS, pursuant to this Ordinance, the Corporate Authorities hereby issue a Declaration of Emergency due to the impact of the COVID-19 virus effective immediately; and

WHEREAS, the Village Administration has coordinated the Village’s response to the COVID-19 virus with other governmental entities and has developed certain temporary policies related to the public’s interactions with the Village and COVID-19’s impact on employees (the “Policies”). Said Policies are attached hereto as “Exhibit A” and are fully incorporated herein; and

WHEREAS, Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11), Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) and Chapter 26 of the Village of Stickney Code of Ordinances (the “Village Code”) empowers the Village with certain emergency authorities; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue, washing hands often with soap and water for at least twenty (20) seconds, use of alcohol-based hand sanitizers with at least sixty percent (60%) alcohol if soap and water are not readily available, and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the Corporate Authorities have considered the existence of a public health emergency in acting upon this Ordinance and taking additional actions required to promote the health, safety and welfare of its citizens, including but not limited to the adoption of the Policies; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2: Declaration of Emergency. This Ordinance shall be construed as a declaration of an emergency pursuant to Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) as well as a local disaster pursuant to Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11). Upon the approval and execution of this Ordinance and any extension thereof, this Ordinance shall constitute a statement required by Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11) signed under oath by the President finding this Ordinance properly describes the nature of the emergency herein and the standards necessary to find the existence of a local emergency have been met, and a declaration that a state of emergency continues to exist.

SECTION 3: Village Board Meetings. Any regular or special meetings of the Village Board may be conducted at the call of the President or two (2) Village Board members in accordance with the Illinois Open Meetings Act, Executive Order No. 2020-07, as may be amended and supplemented, and such other executive orders, rules and regulations governing open meetings. While this Ordinance remains in effect, all such meetings shall be considered "emergency meetings" under the law. During this period of emergency, Village Rules are hereby modified to require an affirmative vote of a majority of the Corporate Authorities present, electronically or physically, at the meeting for the passage of any resolution, ordinance or direction to Village staff.

SECTION 4: Meetings of Village Boards and Commissions. The President may cancel meetings of any Village board or commission to which the President appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such Village board or commission as is specified in the cancellation notice.

SECTION 5: Control of Events and Activities. The President may suspend, restrict or limit events, business or other activities regardless if such events or activities are licensed or permitted when such events or activities are barred or discouraged by the State or Federal government or when in the Village President's judgement said event or activity could impact public health or well-being of residents or visitors to the community.

SECTION 6: Purchases. The President may authorize any purchase for which funds are available reasonably related to the emergency unless doing so would violate Section 8-9-1 of the Illinois Municipal Code (65 ILCS 5/8-9-1). Any purchases made pursuant to this Section shall be presented to the Village Board for approval at the first regular Village Board meeting following the Governor's lifting of the state disaster proclamation.

SECTION 7: Personnel Policies. The President is hereby authorized to adjust any personnel policies related to leave time, other benefits or terms and conditions of employment as are reasonably related to providing sufficient staffing during the term of the emergency, and to establish administrative rules and procedures for the continuation of Village employee wages and benefits in the event that an employee of the Village is exposed to COVID-19 or the Village employee must care for an immediate family member who shares the same household who is exposed to COVID-19 for up to fourteen (14) days as established by the CDC.

SECTION 8: Bargaining Units. The President is hereby authorized to enter into such temporary agreements, including memoranda of understanding with the Village's bargaining units in order to promote the provision of Village services and the health and safety of the public

and employees during the emergency.

SECTION 9: Village Facilities and Services. The President is hereby authorized to close Village facilities and modify or suspend Village services as is reasonably required to protect the health of the public and employees of the Village.

SECTION 10: Ordinance Violations. The President is hereby authorized to modify any timeframe for or relating to the filing of Village ordinance violations in recognition of the emergency.

SECTION 11: Amounts Due and Owning. The President, upon the recommendation of the Finance Director or other professional retained by the Village to advise and assist the Village related to financial matters, is hereby authorized to extend deadlines and waive late fees and related charges for payment related to any amounts due and owing to the Village and to suspend shutting the water off for those who have not paid bills.

SECTION 12: Other Emergency Powers. The President may issue such orders, which shall have the force of law, which may include without limitation the following:

- A. Temporarily close any and all streets, alleys, sidewalks, bike paths, public parks or public ways.
- B. Temporarily suspend or modify, the enforcement of any regulation or ordinance of the Village, including, but not limited to, those regarding health, safety, and zoning.
- C. Order a curfew for some or all persons.
- D. Suspend or limit the use of the water resources or other infrastructure.
- E. Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services and resources.
- F. Approve application for local, state, or federal assistance.
- G. Establish and control routes of transportation, ingress or egress.
- H. Approve the transfer, the direction, personnel, or functions of Village departments and agencies for the purpose of performing or facilitating emergency or disaster services.
- I. Accept services, gifts, grants, loans, equipment, supplies, facilities and/or materials whether from private, nonprofit, or governmental sources, in accordance with the law.
- J. Enter into Intergovernmental Agreements with other units of local government for the sharing of governmental resources including, but not limited to, buildings, facilities, equipment and supplies.
- K. Declare, issue, enforce, modify and terminate orders for quarantine and isolation of persons posing a threat to the public.
- L. Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time-consuming procedures and formalities and notices.
- M. Issue any and all such other orders or undertake such other functions and activities

as the President reasonably believes is required to protect the health, safety, and welfare of persons or property within the Village or otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency or disaster.

SECTION 13: Absence or Incapacity. In the absence or incapacity of the President, the President's designee(s) may exercise any authority granted to the President in this Ordinance.

SECTION 14: Designation of Authority. The President may designate his authorities provided by this Ordinance to such individuals and departments as he deems necessary.

SECTION 15: Authority. The authorizations granted to the President and the President's designee(s) in this Ordinance may be used or not used by the President and the President's designee(s) in their absolute discretion based on the circumstances and information then available. Said authorizations are not intended to automatically or permanently provide additional benefits, rights, responsibilities or restrictions for Village staff, officials, representatives, residents, or for any other person or persons.

SECTION 16: Policies. The Corporate Authorities hereby adopt the Policies, as set forth in Exhibit A.

SECTION 17: Invalidity. 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 herein. In the event of an inconsistency between this Ordinance and any other ordinances, resolutions or adopted motions, this Ordinance shall be controlling.

SECTION 18: Duration. As an exercise of the Village's home rule powers, this Ordinance and any related declaration of a state of emergency shall be effective immediately and unless it is repealed, modified or extended by a majority vote of the Corporate Authorities present either physically or electronically at a meeting of the Village Board, shall continue in full effect until the first regular meeting of the Corporate Authorities after the Governor of the State of Illinois lifts the State of Illinois' state of emergency related to the COVID-19 crisis or otherwise modifies, repeals, replaces amends Executive Order 2020-10, a copy of which is attached hereto and incorporated herein as Exhibit B, or if the Governor issues any subsequent orders inapposite to this Ordinance and any related declaration of a state of emergency. To the extent necessary and allowed by law, the declaration of a state of emergency and this Ordinance is re-proclaimed and redeclared as often as necessary to ensure that the municipality acknowledges the conditions of emergency until the adjournment of the first regular meeting of the Corporate Authorities after the Governor of the State of Illinois lifts the State of Illinois' state of emergency related to the COVID-19 crisis.

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PASSED this 7th day of April, 2020.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres and White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 7th day of April, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 7th day of April, 2020.

Audrey McAdams, Village Clerk

Exhibit A

Exhibit B