



AGENDA ITEM # 6.A.1/6.A.2

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
January 11, 2021**

Item Title: Local Emergency Declaration

Staff Contact: Andrew Maglio, Mayor

VILLAGE BOARD ACTION

- 1. Adopt a resolution extending a declaration of local state of emergency approved by the Village Board on December 7, 2020.**
- 2. Pass an ordinance ratifying a Mayoral executive order during the declaration of local state of emergency.**

Executive Summary:

On March 20, 2020 I signed a declaration of local state of emergency, which was subsequently approved by the Village Board on April 13, 2020 extending the local state of emergency until the May 11, 2020 Village Board meeting, and again on May 11, 2020, June 8, 2020, July 13, 2020, August 10, 2020, September 14, 2020, October 12, 2020, November 9, 2020, and December 7, 2020. The December 7 resolution extended the declaration of local state of emergency until the January 11, 2021 Village Board meeting. The attached resolution again extends the declaration of local state of emergency until the February 8, 2021 Village Board meeting. This extended declaration may be rescinded before February 8, 2021 by the Mayor or Village Board if a meeting is scheduled.

The Village Attorney, staff, and I continue to evaluate the implications of the declaration of local state of emergency. The Village Attorney recommends, and I agree, that the declaration of local state of emergency be extended once again, ensuring that all administrative, operational, and executive responses to the pandemic be made as efficiently and timely as possible especially as we deal with the ongoing resurgence of the virus.

Also attached is an ordinance that ratifies Mayoral Executive Order 2020-15: "Extending the benefits of the Families First Coronavirus Relief Act and excluding emergency responders from certain provisions of the extended Families First Coronavirus Response Act", which I approved on December 29, 2020. By ratifying the executive order, the Village Board is approving them contemporaneously with when they were issued by the Mayor. A copy of the executive order is attached.

Implications:

Is this item budgeted? N/A

Any other implications to be considered?

Attachments:

Resolution Extending Local State of Emergency
Ordinance Ratifying a Mayoral Executive Order

RESOLUTION NO. 2021-

**A RESOLUTION EXTENDING A DECLARATION OF LOCAL STATE OF EMERGENCY
APPROVED BY THE VILLAGE BOARD ON DECEMBER 7, 2020**

WHEREAS, on March 20, 2020 the Mayor of the Village of Roselle declared a local state of emergency due to the COVID pandemic, which was approved and extended by the Village Board on April 13, 2020 pursuant to Resolution No. 2020-2266, on May 11, 2020 pursuant to Resolution No. 2020-2271, on June 8, 2020 until July 13, 2020 pursuant to Resolution No. 2020-2289, on August 10, 2020 until September 14, 2020 pursuant to Resolution No. 2020-2299, on September 14, 2020 until October 12, 2020 pursuant to Resolution No. 2020-2309; on October 12, 2020 until November 9, 2020 pursuant to Resolution No. 2020-2318; on November 9, 2020 until December 7, 2020 pursuant to Resolution No. 2020-2335; and on December 7, 2020 until January 11, 2021 pursuant to Resolution No. 2020-2341.

WHEREAS, the declaration was initially entered by the Mayor in conformance with Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 330/5/11, and Chapter 2, Article XIX of the Village Code; and

WHEREAS, the declaration was extended and remained in effect until the next regular meeting of the Village Board, which is January 11, 2021; and

WHEREAS, a local disaster and state of emergency still exists in the Village as recent information indicates that the incidents of COVID 19 positivity and infections are once again on the rise; and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Roselle that:

The Mayoral declaration of a local state of emergency first effective on March 20, 2020 and subsequently approved and extended until May 11, 2020, again to June 8, 2020, again to July 13, 2020, again to August 10, 2020, again to September 14, 2020, again to October 12, 2020, again to November 9, 2020, again to December 7, 2020, and again to January 11, 2021 shall remain in effect without further action of the Village Board until February 8, 2021, unless otherwise rescinded before that date by the Mayor or a majority vote of a quorum of the Village Board.

AYES:
NAYS:
ABSTAIN:
ABSENT:

Andrew J. Maglio, Mayor

ATTEST:

Patricia Burns, Village Clerk

ORDINANCE NO. 2021-

**AN ORDINANCE RATIFYING A MAYORAL EXECUTIVE ORDER DURING THE
DECLARATION OF LOCAL STATE OF EMERGENCY**

WHEREAS, on March 20, 2020 the Mayor of the Village of Roselle declared a local state of emergency, which was approved and extended by the Village Board; and

WHEREAS, the declaration was entered by the Mayor in conformance with Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 330/5/11, and Chapter 2, Article XIX of the Village Code; and

WHEREAS, upon declaring a local state of emergency the Mayor is provided extraordinary power and authority to exercise by executive order all such powers of the corporate authorities and other officers of the village as may be reasonably necessary or appropriate to respond to the emergency; and

WHEREAS, the Mayor has issued executive orders some of which the Board of Trustees desires to ratify and adopt as acts on behalf of the Corporate Authorities; and

WHEREAS, executive orders not ratified remain in full force and effect unless otherwise rescinded by the Mayor or a majority vote of a quorum of the Village Board or where they have expired as a matter of law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle that they hereby ratify the following executive order as necessary and appropriate so as to be fully authorized as if it had been adopted by the Village Board contemporaneous with their issuance by the Mayor of the Village of Roselle:

1. Executive Order 2020-15 titled: "Extending the benefits of the Families First Coronavirus Relief Act and excluding emergency responders from certain provisions of the extended Families First Coronavirus Response Act"

2. That if any portion of this Ordinance is deemed invalid by a court of competent jurisdiction it shall not affect the remaining portions of the Ordinance

3. This Ordinance shall become effective upon its passage, execution and publication as required by law.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Andrew J. Maglio, Mayor

ATTEST:

Patricia Burns, Village Clerk



Andrew J. Maglio Mayor
Patty Burns Village Clerk

2020-15

EXECUTIVE ORDER OF THE MAYOR OF THE VILLAGE OF ROSELLE, ILLINOIS: "EXTENDING THE BENEFITS OF THE FAMILIES FIRST CORONAVIRUS RELIEF ACT AND EXCLUDING EMERGENCY RESPONDERS FROM CERTAIN PROVISIONS OF THE EXTENDED FAMILIES FIRST CORONAVIRUS RESPONSE ACT"

WHEREAS, Article XIX "Emergency and Disasters" of Chapter 2 "Administration" of the Roselle Village Code grants authorization to the Mayor of the Village of Roselle to enter executive orders "upon the declaration of a local state of emergency"; and

WHEREAS, the authority to declare a state of emergency and to issue local executive orders under Chapter 2 Article XIX is exclusive to the Mayor; and

WHEREAS, on March 20, 2020, I the Mayor of the Village of Roselle, Andrew Maglio, entered a declaration of local state of emergency based on the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, the President of the United States signed into law the Families First Coronavirus Response Act (FFCRA) which includes requirements for paid sick leave and emergency leave due to the COVID-19 pandemic;

WHEREAS, the FFCRA authorize employers of health care providers and emergency responders to exclude such employees from provisions of the FFCRA; and

WHEREAS, the FFCRA will expire on December 31, 2020; and

WHEREAS, the COVID-19 pandemic continues to exist based upon the incidents of COVID 19 positivity and infections; and

WHEREAS, I as Mayor have concluded that an executive order excluding its "emergency responders" as the term is used in the FFCRA, from application of the provisions contained within the FFCRA is necessary in order to ensure and enable the Village to properly respond to emergencies during the COVID-19 pandemic; and

WHEREAS, the Village of Roselle intends to extend the paid sick leave and emergency leave benefits contained within the FFCRA beyond the expiration date of December 31, 2020 to provide for the continuation of essential and critical services and provide for the health and safety of all Village residents; and

WHEREAS, the expiration date for the extended paid sick leave and emergency leave benefits for emergency responders, available with those previously provided by FFRCA, is extended hereinafter ("Extended FFCRA") for the designated emergency responder employees of the Village of Roselle described in Section 1 of this order through March 31, 2021; and

NOW, THEREFORE, BASED ON THE FOREGOING RECITALS, I, Andrew Maglio, as Mayor of the Village of Roselle, hereby order instanter, pursuant to my executive powers granted by law and the declaration of emergency the following:

SECTION 1. Exclusion of emergency responders from the provisions of the FFCRA. This order hereby excludes, from application of the terms of the Extended FFCRA, to "emergency responders" as defined by the Secretary of Labor of the United States to and includes the following Village of Roselle employees:

a. Law Enforcement Officers: Police Chief, Deputy Police Chief, Police Sergeants, and Patrol Officers.

b. Firefighters, Paramedics, Emergency Medical Technicians: Fire Chief, Deputy Fire Chief, Fire Battalion Chiefs, and all full-time and part-time firefighters, paramedics, and emergency medical technicians.

c. Public Works Personnel: Director of Public Works, Assistant Director of Public Works/Village Engineer, Public Works Manager, and all union personnel including Operators, Street Maintenance Workers, Equipment Mechanic, Lab Technician, Engineering Technician, Foreman, and Superintendents.

SECTION 2: Eligible FFCRA employees: During the term of the Extended FFCRA all eligible Village of Roselle employees shall have the benefits described in the Exhibit 1 which is attached hereto and incorporated herein as if fully set forth.

SO ORDERED this 29th day of December, 2020.


Andrew J Maglio (Jan 5, 2021 08:14 CST)

Andrew "Andy" Maglio, Mayor, Village
of Roselle

ATTEST:

Patricia E Burns

Date: Jan 5, 2021

Village Clerk

EXHIBIT 1

		EMERGENCY RESPONDERS PAID SICK LEAVE POLICY				
Number	Qualifying COVID-19 Reason	FFCRA	Law Enforcement	Full-time Firefighters	Part-time Firefighters	Public Works Personnel
1	subject to gov't quarantine or isolation order	80 hrs. max 100% pay (max \$511/day)	84 hrs. max* 100% pay (no per day max)	100 hrs. max** 100% pay (no per day max)	2 week avg. over last 6 mos. or 2 week schedule, whichever is greater	80 hrs. max 100% pay (no per day max)
2	advised by doctor to self-quarantine					
3	experiencing symptoms and seeking a medical diagnosis					
4	caring for anyone subject to #1 or #2	2/3 pay (max \$200/day)	None	None	None	None
5	caring for his or her child whose school or place of care is closed (or child care provider is unavailable)	Up to 12 weeks 2/3 pay (max \$200/day)				
6	experiencing any other substantially-similar condition specified by the U.S. DHHS	2/3 pay (max \$200/day)	Same as 1-4	Same as 1-4	Same as 1-4	Same as 1-4

*Police Chief and Deputy Police Chief receive 80 hours max

**Fire Chief and Deputy Fire Chief receive 80 hours max and Battalion Chief receives 112 hrs. max.

Excluded emergency responders:

1. Law Enforcement Officers: Police Chief, Deputy Police Chief, Police Sergeants, and Patrol Officers.
2. Firefighters, Paramedics, Emergency Medical Technicians: Fire Chief, Deputy Fire Chief, Fire Battalion Chiefs, and all full-time and part-time firefighters, paramedics, and emergency medical technicians.
3. Public Works Personnel: Director of Public Works, Assistant Director of Public Works/Village Engineer, Public Works Manager, and all union personnel including Operators, Street Maintenance Workers, Equipment Mechanic, Lab Technician, Engineering Technician, Foreman, and Superintendents.

POLICY BENEFITS RUN THROUGH MARCH 31, 2021 AND THEREAFTER SHALL EXPIRE