



AGENDA ITEM # 6.A.1

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
January 25, 2021**

Item Title: **Mayoral Executive Order**

Staff Contact: Andrew Maglio, Mayor

VILLAGE BOARD ACTION

Pass an ordinance ratifying a Mayoral executive order during the declaration of local state of emergency.

Executive Summary:

Attached is an ordinance that ratifies Mayoral Executive Order 2021-16: “Extending the Suspension of Water Shut Offs due to Nonpayment”, which I approved on January 21, 2021. The Village Board ratified my initial Executive Order on November 23, 2020, which was set to expire on January 31, 2021. I believe the need still exists within the community to suspend water shuts offs due to nonpayment and therefore the executive order extends the suspension through March 31, 2021. By ratifying the executive order, the Village Board is approving it contemporaneously with when it was 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:

Ordinance Ratifying a Mayoral Executive Order

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WHEREAS, executive orders not ratified remain in full force and effect unless otherwise rescinded by the Mayor or a majority vote of a quorum of the Village Board or where they have expired as a matter of law.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 2021-16 titled: "Extending the Suspension of Water Shut Offs due to Nonpayment"

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.

PASSED AND APPROVED this 21st day of January, 2021.

PUBLISHED IN PAMPHLET FORM this 22nd day of January, 2021.

AYES:

NAYS:

ABSTAIN:

ABSENT:

Andrew J. Maglio, Mayor

ATTEST:

Patricia Burns, Village Clerk

2021-16

**EXECUTIVE ORDER OF THE MAYOR OF THE VILLAGE OF ROSELLE, ILLINOIS,
“EXTENDING THE SUSPENSION ON WATER SHUT OFFS DUE TO
NONPAYMENT”**

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, Governor Pritzker has issued a Gubernatorial Disaster Proclamation declaring that all counties in the State of Illinois, including DuPage and Cook Counties, are disaster areas due to the COVID-19 pandemic; and

WHEREAS, many businesses and residents have suffered financial hardships as a result of the COVID-19 pandemic; and

WHEREAS, the Village implemented a suspension on the disconnection/shut off of water service for nonpayment pursuant to Ordinance 2020-4122 that will expire on January 31, 2021; and

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

WHEREAS, the Village is extending the suspension of disconnection/shut off of water service for nonpayment beyond the expiration date of January 31, 2021; and

WHEREAS, the expiration date for the extended suspension of disconnected/shut off of water service for nonpayment is March 31, 2021; and

WHEREAS, the Village must take appropriate measures to protect the public's financial health in response to the COVID-19 pandemic and to ensure that those members of the community with financial hardships are provided access to water by promoting the public health, safety, and welfare of the community.

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. I hereby extend the suspension of the disconnection/shut off of water service by the Village of Roselle for nonpayment of charges for accounts deemed delinquent pursuant to Village Code, Chapter 22, Section 22-23, for those accounts with payment due dates and/or water shut off dates on or after October 27, 2020.

SECTION 2. The terms and conditions prepared by Village staff and attached to this order as Exhibit 1 shall be the terms and conditions during the suspension period and may be supplemented by Village staff to further effectuate the program during the suspension period without my prior authorization so long as they are reported by Village staff through written memorandum to the Mayor and Board of Trustees in case the corporate authorities deem revisions are necessary.

SECTION 3. This order shall be presented to the Village Board for ratification.

SECTION 4. Unless the corporate authorities adopt an ordinance repealing this Executive Order, the modifications imposed to effectuate the purpose of this order shall remain in effect through March 31, 2021.

SECTION 5. Should any provision of this order be declared invalid by a Court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the order.

SECTION 6. This order shall become effective immediately, upon its signing by me and attestation by the Village Clerk.

SO ORDERED this 21st day of January, 2021.


Andrew J Maglio (Jan 22, 2021 13:34 CST)

Andrew "Andy" Maglio
Mayor, Village of Roselle

ATTEST:



Village Clerk

Date: 1/22/2021

Exhibit 1

- Effective immediately and continuing until January 31, 2021, a suspension on water shut-offs due to non-payment pursuant to Chapter 22, Article I, Section 22-23, of Roselle Village Code.
- Customers are required to self-report once to the Village that they are experiencing financial or COVID-19 related hardship to be eligible for the suspension.
- Shut-offs would still be permissible in the following instances: preservation of private property (prevent frozen pipes during winter), known vacant property, or the failure of the customer to self-report to the Village. Additionally, per Village Code, shut offs are allowable for supplying water to another building, improper installation of service lines, failure to pay for a meter, etc. and are not impacted by the suspension order.
- The Village will follow the Payment of Charges in Village Code, but those qualifying for the suspension of shut offs will not be subject to the \$15 shut off notice fee.
- Staff will follow its customary usual practices for issuing Delinquent and Shut-off Notices, which include reference to the suspension of shut offs but also the continuing expectations that go along with the suspension.
- Customers who fail to self-report, don't respond to delinquency and shut-off notices, and attempted contact by Village staff could be shut-off.
- Staff will follow its customary usual practices for working with account holders on implementing payment procedures to ensure all customers can remain connected to water when the suspension expires.
- Nothing in the suspension order abrogates the obligation of a customer to pay for water and sewer including applicable penalties or reduces the amount a resident may owe to the Village as water usage will still be recorded, monthly bills can still increase, and any past due amount can increase.