



**AGENDA ITEM # 6.A.1**

**AGENDA ITEM EXECUTIVE SUMMARY  
Village Board Meeting  
February 22, 2021**

**Item Title:**            **Ratification of an Executive Order**

**Staff Contact:**        Andrew Maglio, Mayor

**VILLAGE BOARD ACTION**

<p><b>Pass an ordinance ratifying and adopting actions by Mayoral executive order during the declaration of local state of emergency.</b></p>
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**Executive Summary:**

On October 26, 2020 the Village Board ratified my executive order 2020-13 which extended the deadline for outdoor seating permits to April 1, 2021. The Executive Order I signed on February 19, 2021 extends the expiration date of temporary outdoor seating permits to October 31, 2021. This will provide businesses the ability to continue outdoor service throughout the spring and summer months. Specifically, the extension provides immediate relief while business operations continue under limited indoor capacity and curbside, delivery, or takeout services until the state enters Phase 5 of the Restore Illinois Plan.

To receive the updated permit card with the new expiration date, additional documentation and inspections will be required. These requirements will ensure all tents have the structural and safety specifications needed to meet applicable Fire Codes and property owners continue to grant permission for usage of outdoor space that may impact nearby business operations. In addition, periodic staff inspections will occur to ensure that the outdoor seating areas continue to meet all permit requirements and all corresponding guidelines as defined by the Restore Illinois Plan, the Illinois Department of Public Health, and the Governor's Office. Staff will continue to monitor our local businesses to ensure adherence to the guidelines.

During the declared local state of emergency, the Mayor is authorized to exercise authority through executive orders. Attached is an ordinance ratifying one Mayoral executive order. By ratifying the executive order, the Village Board is approving the order 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 and Exhibits

**ORDINANCE NO. 2021-**

**AN ORDINANCE RATIFYING CERTAIN MAYORAL EXECUTIVE ORDERS 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; 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

**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 they had been adopted by the Village Board contemporaneous with their issuance by the Mayor of the Village of Roselle:

1. Executive Order 2021-01: "Authorize the Extension of the Deadline for Outdoor Seating Permits"; incorporated herein as fully set forth as Exhibit A;
2. That upon rescission or expiration of the foregoing executive order the underlying ordinances or policies affected by the executive order shall return to and remain in full force and effect as originally constituted
3. 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
4. This Ordinance shall become effective upon its passage, execution and publication as required by law.

ADOPTED this 22<sup>th</sup> day of February, 2021

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

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Andrew J. Maglio, Mayor

ATTEST:

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Patricia Burns, Village Clerk

**EXECUTIVE ORDER OF THE MAYOR OF THE VILLAGE OF ROSELLE, ILLINOIS: "AUTHORIZE THE EXTENSION OF THE DEADLINE FOR OUTDOOR SEATING PERMITS"**

**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 June 8, 2020, the Board of Trustees of the Village of Roselle ratified Executive Order 2020-09: "Suspending the Enforcement of Zoning Ordinances and Liquor Control Ordinances Which Would Prohibit Or Have The Effect Of Prohibiting The Sale and Delivery Of Food And Alcoholic Beverages In Alfresco Dining Areas"; and

**WHEREAS**, Executive Order 2020-09 authorizes the Village Administrator of the Village of Roselle or his designees to undertake any and all administrative acts, including the issuances of temporary outdoor seating permits; and

**WHEREAS**, on October 26, 2020, the Board of Trustees of the Village of Roselle ratified Executive Order 2020-13: "Authorize the Extension of the Deadline for Outdoor Seating Permits"; and

**WHEREAS**, I have concluded that an executive order authorizing the extension of the deadline for the temporary outdoor seating permits is consistent with my authority under the law and the declaration of emergency because it permits social distancing and offers the opportunity for responsible Roselle businesses to mitigate the economic hardship endured during the COVID-19 pandemic; and

**WHEREAS**, due to the COVID-19 pandemic this order is not indented to supersede any subsequent declaration by the Governor, IDPH, or the DuPage County Board of Health inconsistent with this executive order unless the subject matter remains subject to local municipal control; 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 as follows:

**SECTION 1.** The foregoing recitals are incorporated herein as fully set forth as substantive provisions.

**SECTION 2.** The Executive Order ratified by ordinance 2020-09 shall remain effective until October 31, 2021 unless the corporate authorities of the Village adopt an ordinance repealing these outdoor seating permits before that date.

**SECTION 3.** The Village Administrator and his designees are hereby authorized and directed to undertake reasonable acts to implement this executive order.

**SO ORDERED** this 15<sup>th</sup> day of February 2021



Andrew "Andy" Maglio, Mayor, Village of  
Roselle

ATTEST:



~~Patricia Burns, Village Clerk~~

KAREN R. SCHULZ DEPUTY CLERK

Date: 2/18/21