

ORDINANCE NO. 2020- 06

**AN ORDINANCE GRANTING SPECIAL TEMPORARY POWERS AND
AUTHORITY TO THE PRESIDENT OF THE VILLAGE OF WINNEBAGO,
ILLINOIS, IN RESPONSE TO A DECLARATION OF A LOCAL STATE OF
EMERGENCY**

WHEREAS, on March 10, 2020, the Governor of Illinois made a formal disaster declaration as a result of the spread of the COVID-19 virus; and

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of COVID-10 to be a worldwide pandemic; and

WHEREAS, on March 13, 2020, the Governor of Illinois ordered the closing of all public and private schools as a part of the effort to mitigate the spread of the COVID-19 virus; and

WHEREAS, on March 15, 2020, the Governor ordered the closing of all bars and dine-in restaurants as a further effort to mitigate the spread of the COVID-19 virus; and

WHEREAS, on March 19, 2020, the Governor signed an emergency declaration, effective immediately through April 12, 2020, enabling haulers to obtain free Illinois Department of Transportation overweight trucking permits for the movement of emergency relief supplies in response to the COVID-10 pandemic, but the declaration does not apply to posted bridges and local highways with special and seasonal weight restrictions; and

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

WHEREAS, the COVID-19 virus represents a threat to public safety and welfare; and

WHEREAS, on March 19, 2020, pursuant to 65 ILCS 5-11-1-6, the President of the Village of Winnebago has made a Declaration of a Local State of Emergency; and

WHEREAS, 65 ILCS 5/11-1-6 provides that a municipality may make a declaration of a state of emergency and states that "the corporate authorities of each municipality may by ordinance grant to the mayor the extraordinary power and authority to exercise, by executive order, during a state of emergency, such of the powers of the corporate authorities as may be reasonably necessary to respond to the emergency;" and

WHEREAS, to protect the life, health and safety of the citizens of Winnebago, it is prudent, reasonable and necessary to take extraordinary precautions, and the Village desires to provide for the exercise of extraordinary powers by executive order of the Village President during the state of emergency; and

WHEREAS, it is deemed reasonable, necessary and prudent by the Village Board of Trustees to provide additional authority to the Village President to be able to act swiftly to respond to the situations which may arise from this emergency.

NOW THEREFORE, IT IS HEREBY DECLARED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF WINNEBAGO, ILLINOIS, THAT A STATE OF EMERGENCY EXISTS AND IT IS ORDAINED THAT DURING THE PERIOD OF EMERGENCY, THE VILLAGE PRESIDENT SHALL HAVE ADDITIONAL POWERS AND AUTHORITY AS GRANTED HEREIN.

1. Pursuant to this Declaration, the Village President and, at his direction, all Village Department heads, are to coordinate with all County, State and National agencies to provide for a unified response to the COVID-19 virus.
2. The Village President is granted the authority to direct the resources of the Village and to take all actions reasonably necessary to respond to the emergency.
3. The Village President may approve previously appropriated expenditures and the payment of bills received in the ordinary course of business of the Village for the purpose of continuing the operations of the Village. As soon as practicable thereafter, the Village President shall submit to the Village Board of Trustees a detail of the expense.
4. In addition thereto, the Village President, or his designee, is authorized on behalf of the Village to procure such services, supplies, equipment, or materials as may be necessary for such purposes, in view of exigency, without regard to the statutory procedures or formalities normally prescribed by any Village ordinance or other law pertaining to Village contracts, purchases, or obligations. As soon as practicable thereafter, the Village President shall submit to the Village Board of Trustees a detail of the expense and the reason that a determination of extraordinary circumstances was made.
5. Pursuant to Executive Order of the Governor suspending the Open Meetings Act, any regular or special meeting of the Village Board of Trustees may be conducted at the call of the Village President or two Board of Trustee members via electronic means including audio or video conference. Such meetings may be held, providing such notice to the public and media as is reasonable under the circumstances, and if possible, providing access to the public and including a means for public participation. 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 a quorum present, electronically or physically, at the meeting for the passage of any Village bill or to provide policy direction.

6. The Village President may cancel meetings of any board or commission to which the President appoints members. Any such cancellation shall automatically extend such deadlines for required actions by such board or commission as is specified in the cancellation notice. Committees of the Board of Trustees are governed by the Chair of each such Committee.
7. The Village President may suspend licenses or permits for special events or any other licenses or permits issued by the Village which in the judgment of the Village President could impact the public health or well-being of residents or visitors to the community.
8. The Village President is 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. Specifically, but not as a limitation to further measures in adjustment of the Village's personnel policies that the Village President is hereby being authorized to take, the following emergency policies shall be instituted for sick leave in accordance with the federal Families First Coronavirus Response Act passed into law on March 18, 2020, and for telecommuting, taking effect immediately upon the passage of the instant ordinance.

a. **Emergency Sick Leave Policy:** For purposes of the Emergency Sick Leave Policy "traditional work schedule" shall mean Monday-Friday, 8-hour day, 40-hour work week.

These are temporary policies based upon current status within the Village of Winnebago as of March 19, 2020. The Emergency Sick Leave Policy and Emergency Telecommuting Policy are subject to revocation and/or modification at any time at the discretion of the Village to address operational needs as circumstances within our community change.

Effective immediately, an employee may be granted paid emergency sick leave for a given employee's own medical examination, quarantine, or treatment, due to suspected exposure to COVID-19 or if an employee has symptoms of COVID-19. This emergency paid sick leave shall be a bank of compensated time in addition to any accrued paid leave and shall be paid as "compensated absence."

1. **Traditional work schedule employees:** All non-police officer full-time employees may use emergency paid sick leave up to eighty (80) consecutive hours (10 work days), to self-quarantine for fourteen (14) consecutive calendar days if they have suspected or confirmed exposure to COVID-19 or they are exhibiting symptoms of COVID-19. If an employee must miss additional work days for treatment beyond expiration of the fourteen (14) consecutive calendar day quarantine, the employee may use his/her available accrued paid

leave. An employee may utilize unpaid leave after exhausting all accrued paid leave. Part-time employees who receive benefits may receive prorated paid emergency sick time. All part-time employees shall be eligible for this emergency paid sick leave benefit under the same terms and conditions as stated above, except the maximum number of hours for which the part-time employee shall be compensated during those fourteen (14) consecutive calendar days shall be based on the average number of hours the given part-time employee works in a two-week pay period, with the calculation of the average based on the last six (6) months of employment with the Village, or if employed for a lesser time, based on the monthly average of hours worked, with the limitation that part-time workers are capped at twenty-nine (29) hours per week (fifty-eight (58) hours per two-week pay period).

2. **Non-traditional work schedule employees:** Full-time employees who work non-traditional work schedules, namely, police officers, may use emergency paid sick leave in an amount sufficient to allow the employee to self-quarantine for fourteen (14) consecutive calendar days if he or she has suspected or confirmed exposure to COVID-19 or if he or she is exhibiting symptoms or tested positive for COVID-19. Based on the full-time police officer work schedule, a full-time police officer may use emergency paid sick leave up to eighty-four (84) consecutive hours (10 work days), If such employee must miss additional work days for treatment beyond the expiration of the fourteen (14) consecutive calendar day quarantine, the employee may use his/her available accrued paid leave. An employee may utilize unpaid leave after exhausting all accrued paid leave.
3. If an employee's household family member has been exposed to COVID-19 or is exhibiting symptoms of COVID-19, an employee may use the applicable emergency paid sick leave outlined above. If additional time is needed beyond the time to quarantine for fourteen (14) consecutive calendar days, the employee may use his/her available accrued paid leave or be allowed to take the time as unpaid. An employee may only take unpaid leave after exhausting all accrued paid leave.
4. Employees shall follow normal departmental procedures for requesting sick time off under this emergency sick leave policy. Employees who go into unpaid status as a result of quarantine or treatment for COVID-19 shall not be subject to discipline.

5. This emergency sick leave policy is restricted to the current global pandemic of COVID-19, is temporary in nature, and shall not be considered precedent for purposes of Personnel Policy provisions, or other Village policy. It is not intended to permanently modify any terms and conditions of employment.
6. The Village has the authority to prohibit any employee from reporting for work duties, including under scenarios recommended by the Center for Disease Control, Winnebago County Health Department or other State or Federal agencies.
7. The Village may prohibit any employee from returning to work following domestic or international travel, by any form of public transportation or otherwise, to areas identified by the Center for Disease Control and/or Winnebago County Health Department for self-quarantine. The Village may also prohibit any employee from returning to work after traveling from any country or region that is the subject of an international travel ban. The employee will be allowed to return to work at the Village's discretion after the expiration of the requisite quarantine period as determined by the appropriate government agency. An employee must follow the guidelines, directives, and mandates of the Center for Disease Control and all federal, national, state, and applicable local agencies on such travel, or said employee prohibited from returning to work following travel may not be allowed to utilize the emergency paid sick leave bank provided for herein.

Any employee who is proven to have taken unreasonable actions in contradiction to, or violation of, the guidelines, directives, and mandates of the Center for Disease Control and all federal, national, state, and applicable local agencies, on avoiding contracting of the coronavirus may not be allowed to utilize the emergency paid sick leave bank benefit as described herein. While this ordinance is in effect, any employee traveling outside the immediate geographic area is requested to provide an itinerary to said employee's immediate supervisor.

b. **Emergency Telecommuting Policy:** In an effort to limit community spread of COVID-19, or as an alternative to self-quarantine under the Emergency Sick Leave Policy, temporary telecommuting arrangements may be approved as a viable temporary alternative work arrangement in cases where the employee and his or her job responsibilities are suited. The department head shall determine

which employees are eligible for a telecommuting arrangement based on job responsibilities, suitability, and availability of resources. The department head shall grant a telecommuting arrangement on an as-needed basis only, with no expectation of ongoing continuance. The department head may terminate any telecommuting arrangement at any time at his/her discretion.

The department head shall set clear expectations and procedures for appropriate communication between the telecommuter and supervisor. The employee shall be readily accessible by phone or email within a reasonable time period during the work schedule. Telecommuting employees who are not exempt (hourly) from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in a manner designated by the department head.

Telecommuting employees will be held to a higher standard of compliance than office-based employees due to the nature of the work arrangement.

Hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements, will require the advance approval of the supervisor. Failure to comply with this requirement can result in the immediate cessation of the telecommuting arrangement.

The Village accepts no responsibility for damage or repairs to employee-owned equipment and will not be responsible for costs associated with initial setup of the employee's home office.

Consistent with the Village's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary Village information accessible from their home office.

Village of Winnebago will determine the appropriate equipment needs for each telecommuting arrangement. The Village's Deputy Clerk and Village contracted technology personnel will serve as resources in this matter. Equipment provided by the Village shall remain the property of the Village and be maintained by the Village.

Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the Village's workers' compensation policy.

Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

This emergency telecommuting policy is restricted to the current global

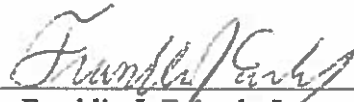
pandemic of COVID-19, is temporary in nature, and shall not be considered precedent for purposes of Personnel Policy provisions. It is not intended to permanently modify any terms and conditions of employment.

9. The Village President is hereby authorized to close Village facilities as is reasonably required to protect the health of the public and employees of the Village.
10. At the direction of the Village President, the Village Attorney is hereby authorized to extend any timeframe for payment or filing related to Village ordinance violations in recognition of the emergency.
11. The Village President, upon the recommendation of the Village Treasurer, is hereby authorized to reasonably extend deadlines for payment related to any amounts due and owing to the Village. Specifically, but not as a limitation to further measures in adjustment of the extension of deadlines for payment the Village President is hereby authorized to take, the following emergency policies shall be and hereby are instituted:
 - a. Any late fees associated with Village-billed water and garbage service, effective with the bills which were due on March 15, 2020, shall be waived until June 19, 2020, at which time late fees for the bills due June 15, 2020, shall begin to accrue starting June 19, 2020, and thereafter.
 - b. The annual liquor licenses and, where applicable, video gaming licenses, for all currently established liquor license holders and video gaming license holders in the Village shall be extended to July 1, 2020, with the due date for submission of the applicable annual renewal applications and requisite payment extended to June 15, 2020, a temporary liquor license, and video gaming license, where applicable, shall be issued to cover the time period of May 1, 2020, through June 30, 2020. The issuance of a temporary liquor license through June 30, 2020, shall not act as a waiver of the fee for that time period, such that when the applicable renewal application is submitted, the full annual fee for the normal renewal time period of May 1, 2020 through April 30, 2021, shall be due. Any liquor license holder whose liquor liability insurance shall expire between the time period of May 1, 2020 and June 30, 2020, shall not be relieved of the requirement of providing the Village with an updated certificate of liability insurance naming the Village of Winnebago as an additional insured. Accordingly, irrespective of the fact that the due date for submission of the liquor license renewal application is being extended, if a given license holder's liquor liability insurance expires during the time period of May 1, 2020 through June 30, 2020, said liquor license holder shall not be allowed to operate such establishment unless an updated certificate of liability insurance is submitted to the Village listing the Village as an additional insured is submitted no later than the date of expiration of the current certificate of liability insurance on file in the Village office.

12. Effective immediately with the passage of this ordinance, no water service supplied by the Village shall be shut off for a period of thirty (30) days due to delinquency in payment, and such suspension in water shutoff activity shall continue for thirty (30) day periods thereafter, unless repealed or amended by the Board of Trustees, which Board may repeal this ordinance at any time.
13. Effective immediately with the passage of this ordinance, through April 12, 2020, haulers shall be allowed to obtain free overweight trucking permits through Winnebago County, Illinois, for the movement of emergency relief supplies in response to the COVID-10 pandemic on any road within the jurisdiction of the Village of Winnebago wherein overweight permits are normally required via Village ordinance. This authority is provided to Winnebago County since said county handles the issuance of overweight load permits for the Village.
14. Effective immediately with the passage of this ordinance, current liquor license holders who hold only a license which allows service of alcoholic beverages for consumption on the premises and not package sales, shall also be allowed to sell alcohol, defined for purposes of this ordinance, as both beer, wine, and hard liquor, in package form that will not be consumed on the premises, only for curbside or in person on a "to go" basis, PROVIDED such sale is in association with the sale of food at the same time to the given customer, and with the requirement that such alcohol is provided to the customer in a bag, and provided the person receiving the alcohol is of both of legal age to possess alcohol, and not otherwise prohibited from possessing alcohol . Package form means the alcohol sold must be in its original sealed container. Sale of individual bottles shall be allowed.
15. The Village of Winnebago may continue to spend funds at the same rate as in the 2020 Appropriation Ordinance until the 2021 Appropriation Ordinance is approved, and the Village Treasurer is hereby authorized to make appropriation transfers within funds as provided by law for the payment of sums due from the Village during the term of this ordinance.
16. This ordinance and the powers afforded the Village President herein, and the specific temporary policies stated herein shall, unless otherwise indicated, be effective for a period of thirty (30) days from the date enacted and shall continue for thirty (30) day periods thereafter unless repealed or amended by the Board of Trustees which Board may repeal this ordinance at any time.
17. This ordinance and the associated powers designated herein shall become effective immediately upon passage by the Corporate Authorities of the Village of Winnebago, unless otherwise provided herein.

18. If any provision of this Ordinance or the application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this declaration and ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Declaration is severable.

APPROVED this 19th day of March, 2020.



Franklin J. Eubank, Jr.,
Village President

ATTEST:


Sally Jo Huggins, Village Clerk

PASSED:

APPROVED:

PUBLISHED IN

PAMPHLET FORM:

3-19-2020
3-19-2020