



Village Manager's Office

SUBJECT: COVID-19 Emergency Declaration

MEETING DATE: June 23, 2020 (updated from March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020, June 9, 2020)

FROM: Michael Braiman, Village Manager
Jeffrey Stein, Assistant Village Manager/Corporation Counsel

Budget Impact: See budget impact discussion below

Recommended Motion

Adoption of Resolution #2020-R-32 Extending the Declaration of an Emergency Affecting the Public Health and Wellbeing due to the Outbreak of COVID-19 Virus.

Background & Discussion

To date, the Village President has issued, and the Village Board approved and extended, multiple emergency declarations due to the COVID-19 pandemic as follows:

1. March 17, 2020, the Village President issued a Declaration of Local Disaster and Public Health Emergency;
2. March 24, 2020, the Village Board approved the Declaration when it adopted Resolution 2020-R-17 ("Emergency Declaration");
3. April 7, 2020, the Village President issued an Amended Declaration of Local Disaster and Public Health Emergency Declaration;
4. April 14, 2020, the Village Board approved the Amended Declaration when it adopted Resolution 2020-R-25 ("Amended Emergency Declaration");
5. April 17, 2020, the Village President issued a Second Amended Declaration of Local Disaster and Public Health Emergency Declaration;

6. April 28, 2020, the Village Board approved the Second Amended Declaration when it adopted Resolution 2020-R-27 (“Second Amended Emergency Declaration”);
7. May 1, 2020, the Village President issued a Third Amended Declaration of Local Disaster and Public Health Emergency Declaration;
8. May 12, 2020, the Village Board approved the Third Amended Declaration when it adopted Resolution 2020-R-29 (“Third Amended Emergency Declaration”);
9. May 26, 2020, the Village Board approved the Fourth Amended Declaration when it adopted Resolution 2020-R-30 (“Fourth Amended Emergency Declaration”);
10. June 4, 2020, the Village President issued a Fifth Amended Declaration of Local Disaster and Public Health Emergency Declaration;
11. June 9, 2020, the Village Board approved the Fifth Amended Declaration when it adopted Resolution 2020-R-31 (“Fifth Amended Emergency Declaration”).

The Village Board’s adoption of Resolution 2020-R-31 on June 9, 2020 is the current emergency declaration in effect (referred to as the “Current Emergency Declaration”).

The Resolution submitted for approval will extend the Current Emergency Declaration by adopting the Sixth Amended Declaration and will remain in effect until July 14, 2020. The Sixth Amended Declaration will contain the same content as the Current Emergency Declaration except with the amendments discussed below:

1. Meeting procedures will now be subject to amendments made to the Open Meetings Act to allow for electronic meetings.
2. During Phase 4, gatherings of more than 10 people may no longer be prohibited by the Governor’s Executive Order and may be allowed under certain conditions and standards. However, at this time, the specific conditions and standards have not been determined.
3. Once Wilmette reaches “Phase 4” of the Governor’s reopening plan, Solicitor Permits, Public Demonstration Permits and Temporary Use Permits will be allowed to be issued. Such activity authorized by these permits shall still be subject to the social distancing and safety conditions imposed by the Governor’s Executive Orders.

The Current Emergency Declarations will expire on June 23, 2020, and in order to continue to be in effect, the Village Board must extend it to their next Village Board meeting which is set for July 14, 2020. If for some unforeseen reason the Village Board cannot meet on June 23rd, the Current Emergency Declarations would extend to the date in which the Village Board does meet.

Budget Impact

The business assistance programs contained within the declaration will be funded by General Fund reserves.

Documents Attached

1. Resolution #2020-R-32 Extending the Declaration of an Emergency Affecting the Public Health and Wellbeing due to the Outbreak of COVID-19 Virus.

RESOLUTION NO. 2020-R-32

**A RESOLUTION EXTENDING THE DECLARATION OF AN EMERGENCY
AFFECTING THE PUBLIC HEALTH AND WELLBEING DUE TO THE OUTBREAK
OF COVID-19 VIRUS**

WHEREAS, the Village of Wilmette, Cook County, Illinois (the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; which includes declaring emergencies concerning the declaration of local disasters or public health emergencies and providing for the authority of local officials to take such actions as may be necessary to protect the public health, safety and welfare in the event of a disaster or other local emergency; and

WHEREAS, State of Illinois Governor JB Pritzker issued a Gubernatorial Disaster Proclamation in response to the outbreak of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, Governor Pritzker has issued multiple Executive Orders to help combat the spread of COVID-19; and

WHEREAS, in order to prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, to help assist businesses in the short term to remain viable and open to the public, to provide the residents with the ability to obtain food items in the safest and most efficient way possible, and to provide the Village’s business community with the ability to continue to safely serve patrons as allowed by the Executive Orders, the Village President issued a Declaration of Local Disaster and Public Health Emergency on March 17, 2020, pursuant to Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Chapter 2, Article XL of the Village Code; and

WHEREAS, on March 24, 2020, the Village Board adopted Resolution 2020-R-17, A Resolution Declaring an Emergency Affecting the Public Health and Wellbeing due to the Outbreak of COVID-19 Virus (“Emergency Declaration”) which extended the Village President’s Declaration of Local Disaster and Public Health Emergency to April 14, 2020; and

WHEREAS, On April 7, 2020, the Village President issued an Amended Declaration of Local Disaster and Public Health Emergency Declaration which mirrored the existing Emergency, but also added provisions for the enforcement of social distancing requirements and prohibitions against gatherings of more than ten people.

WHEREAS, on April 14, 2020, the Village Board adopted Resolution 2020-R-25, A Resolution Extending the Emergency Affecting the Public Health and Wellbeing Due to the Outbreak of COVID-19 Virus which extended the Amended Declaration of Local Disaster and Public Health Emergency to April 28, 2020 or until the Village Board could legally and safely conduct its next Village Board Meeting; and

WHEREAS, on April 17, 2020 the Village President issued a Second Amended Declaration of Local Disaster and Public Health Emergency which mirrored the existing Amended Emergency Declaration, but also added provisions of requiring individuals to wear a face covering when inside, whether working or shopping, any business open to the public, or any time an individual is riding in public transportation; and

WHEREAS, on April 28, 2020, the Village Board adopted Resolution 2020-R-27, A Resolution Extending the Emergency Affecting the Public Health and Wellbeing Due to the Outbreak of COVID-19 Virus which extended the Second Amended Declaration of Local Disaster and Public Health Emergency to May 12, 2020 or until the Village Board could legally and safely conduct its next Village Board Meeting; and

WHEREAS, on May 1, 2020, the Village President issued a Third Amended Declaration of Local Disaster and Public Health Emergency which mirrored the existing Amended Emergency Declaration, except it amended the provisions on the sale of alcoholic beverages by removing restrictions that the sale of alcohol be accompanied with the sale of food; and

WHEREAS, on May 12, 2020 the Village Board adopted Resolution 2020-R-29, A Resolution Extending the Emergency Affecting the Public Health and Wellbeing Due to the Outbreak of COVID-19 Virus which extended the Third Amended Declaration of Local Disaster and Public Health Emergency to May 26, 2020 or until the Village Board could legally and safely conduct its next Village Board Meeting; and

WHEREAS, on May 26, 2020 the Village Board adopted Resolution 2020-R-30, A Resolution Extending the Emergency Affecting the Public Health and Wellbeing Due to the Outbreak of COVID-19 Virus which adopted and extended the Fourth Amended Declaration of Local Disaster and Public Health Emergency to June 9, 2020 or until the Village Board could legally and safely conduct its next Village Board Meeting; and

WHEREAS, since the Fourth Amended Declaration was issued, Governor Pritzker issued a new Proclamation of Emergency and two new Executive Orders which permit businesses to reopen provided that businesses comply with all applicable guidance issued by the Illinois Department of Commerce & Economic Opportunity (collectively “Phase 3 Orders”); and

WHEREAS, the Illinois Department of Commerce & Economic Opportunity has also issued guidance encouraging religious institutions to hold outdoor or drive thru services; and

WHEREAS, on June 4, 2020, the Village President issued a Fifth Amended Declaration of Local Disaster and Public Health Emergency which amended the Fourth Amended Emergency Declaration to reflect the new Phase 3 authorizations and requirements for various operations and businesses; and

WHEREAS, on June 9, 2020, the Village Board adopted Resolution 2020-R-31, A Resolution Extending the Emergency Affecting the Public Health and Wellbeing Due to the Outbreak of COVID-19 Virus which adopted and extended the Fifth Amended Declaration of Local Disaster and Public Health Emergency to June 9, 2020 or until the Village Board could legally and safely conduct its next Village Board Meeting; and

WHEREAS, the Village Board desires to further extend the Fifth Amended Emergency Declaration and provide for additional emergency provisions in a Sixth Amended Emergency Declaration which shall be in effect until its next scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Wilmette as follows:

SECTION ONE: Recitals Incorporation. The above recitals are incorporated into this section one as if fully set forth.

SECTION TWO: Extension of Local Disaster and Public Health Emergency. The Sixth Amended Emergency Declaration is hereby adopted and shall be an extension of the Fifth Amended Emergency Declaration and shall remain in effect to July 23, 2020, which may be further extended by the Village President if the Village Board cannot lawfully and safely conduct its meeting. Such an extension beyond June 23, 2020 shall be made in writing and delivered to the Village Clerk and each Village Trustee and shall be in effect until the Village Board can legally and safely conduct a Village Board meeting. The Sixth Amended Declaration of Local Disaster and Public Health Emergency is attached as Exhibit A.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage as provided by law.

ADOPTED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the 23rd day of **June 2020** according to the following roll call vote:

AYES: None.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

Village Clerk

Approved on June 23, 2020

Village President

Attest:

Village Clerk

APPENDIX A

SIXTH AMENDED DECLARATION OF LOCAL DISASTER
AND PUBLIC HEALTH EMERGENCY – VILLAGE OF WILMETTE

Sixth Amended Declaration of Local Disaster and Public Health Emergency Village of Wilmette June 23, 2020

I, Robert T. Bielinski, do hereby issue this Sixth Amended Declaration of Local Disaster and Public Health Emergency for the Village of Wilmette, this 23rd day of June 2020 (“Sixth Amended Declaration”).

Introduction

WHEREAS, the Village President issued a Declaration of Local Disaster and Public Health Emergency on March 17, 2020 (“Declaration”) in response to the outbreak of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, the Village President issued an Amended Declaration of Local Disaster and Public Health Emergency on April 7, 2020 (“Amended Declaration”); and

WHEREAS, the Village President issued a Second Amended Declaration of Local Disaster and Public Health Emergency on April 17, 2020 (“Second Amended Declaration”); and

WHEREAS, the Village President issued a Third Amended Declaration of Local Disaster and Public Health Emergency on May 1, 2020 (“Third Amended Declaration”); and

WHEREAS, the Village Board approved and extended the Third Amended Declaration to May 26, 2020; and

WHEREAS, the Village Board approved and extended the Fourth Amended Declaration to June 9, 2020 (“Fourth Amended Declaration”); and

WHEREAS, the Village President issued a Fifth Amended Declaration of Local Disaster and Public Health Emergency on June 4, 2020 (“Fifth Amended Declaration”); and

WHEREAS, the Village Board approved and extended the Fifth Amended Declaration to June 23, 2020; and

WHEREAS, since that time COVID-19 has continued to spread; and

WHEREAS, Governor Pritzker has issued multiple additional Executive Orders (“Executive Orders”), since the Declaration was issued, to help combat the spread of COVID-19; and

WHEREAS, as part of those Executive Orders, Governor Pritzker has issued stay-at-home orders, social distancing requirements, closed all public and private schools, closed all non-essential business, and prohibited gatherings of more than 10 people; and

WHEREAS, the Executive Orders authorize the local governments to help enforce the social distancing requirements and the restrictions on gatherings over 10 people; and

WHEREAS, in order to prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, the Village residents shall comply with and follow the Executive Orders' requirements of social distancing; and

WHEREAS, since the Amended Declaration was issued, the Centers for Disease Control and Prevention ("CDC") has issued guidance and recommendations that the use of a cloth face covering in public settings where other social distancing measures are difficult to maintain (e.g. grocery stores) will help slow the spread of COVID-19; and

WHEREAS, since the Second Amended Declaration was issued, Governor Pritzker issued another Executive Order extending the stay at home requirements through the month of May, as well as the provisions of the previously issued Executive Orders to May 29, 2020.

WHEREAS, since the Fourth Amended Declaration was issued, Governor Pritzker issued a new Proclamation of Emergency and two new Executive Orders which permit businesses to reopen provided that businesses comply with all applicable guidance issued by the Illinois Department of Commerce & Economic Opportunity (collectively "Phase 3 Orders").

WHEREAS, the Illinois Department of Commerce & Economic Opportunity has also issued guidance encouraging religious institutions to hold outdoor or drive thru services.

WHEREAS, it is possible that Governor Pritzker will declare the region where Wilmette is situated within the State of Illinois has reached Phase 4 which will allow certain activities commence again; and

WHEREAS, the Illinois Open Meetings Act has been amended to allow for remote meetings during a pandemic; and

WHEREAS, in order to further prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, the Village residents shall comply with and follow the Executive Orders in regards to face coverings; and

WHEREAS, in order to further prevent the spread of COVID-19 in the Village, and to protect the residents, business community members, employees and officials of the Village from disease and death, to provide the residents with the ability to obtain food items in the safest and most efficient way possible, and to provide the Village's business community with the ability to continue to safely serve patrons as allowed by the Executive Orders, I find it necessary to issue this Sixth Amended Declaration to implement emergency regulations and orders, all as set forth in the Sixth Amended Declaration.

Statement of Authority

This Sixth Amended Declaration is issued pursuant to the authority vested in the office of Village President by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Chapter 2, Article XL of the Village Code.

Declaration

I hereby declare that a local disaster and public health emergency exists in the Village of Wilmette, for the reasons set forth in this Sixth Amended Declaration.

Emergency Regulations and Orders

I hereby direct and order the following:

1. *Emergency Purchasing.* Pursuant to Section 6-132 (Emergency Procurement) of the Village Code, the Village Manager shall make emergency purchases as necessary under the circumstances without prior approval from the Village Board. Any such purchases, over the Village Manager's purchasing authority, shall be submitted to the President and Board of Trustees for ratification at their next regular meeting.
2. *Emergency Staffing.* The Village Manager may implement such emergency staffing protocols and procedures as may be necessary for the preservation of the public health and safety, and for the preservation of the health of Village employees. The Village Manager is authorized to implement alternative staffing protocols, procedures, and shifts for the Village's various departments, including the Village's Police Department and Fire Department. The Village Manager is also authorized to hire any personnel or engage a consultant on a temporary basis needed to preserve the health, safety and welfare of the Village's residents.
3. *Closure of Public Buildings to the Public.* The Village's owned and operated buildings, may be reopened to the general public as determined by the Village Manager.. The front lobby of the Village's police department shall remain open to the general public.
4. *Meetings may be held Remotely.* It is determined that in-person meetings are not practical or prudent during the public health emergency. The Village Manager is authorized to convene electronic meetings of the appropriate board, committee, or commission and place any items on an agenda for review by the appropriate board, committee, or commission. The Village Manager is authorized to designate any Village staff member to act as the "Chief Administrative Officer" to be physically present during a meeting so as to comply with the Open Meetings Act requirements for electronic meetings.
5. *Social Distancing Groups of More than Ten People Prohibited, Face Coverings.*

- A. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person.
- B. Gatherings of more than ten people is prohibited unless exempted by one or more of the Executive Orders. Gatherings during Phase 4 will be allowed as conditioned by the Executive Orders.
- C. Any individual who is over age two and able to medically tolerate a face-covering (a mask or cloth face-covering) shall be required to cover their nose and mouth with a face-covering when in a public place and unable to maintain a six-foot social distance. Face-coverings are required in public indoor spaces such as stores.

Businesses authorized to open to the public pursuant to the Phase 3 Orders shall provide face coverings to all employees who are not able to maintain a minimum six-foot social distance at all times when required to do so by the Phase 3 Orders.

6. *Suspension of Certain Village Regulations.*

- A. The Village shall authorize the curbside pickup or the offsite delivery of alcoholic beverages to patrons for all Village of Wilmette liquor licensed establishments where consumption of alcohol can take place on such premises (“Licensee”) in the following manner:
 - 1. the Licensee may offer for sale alcoholic beverages contained in sealed containers as otherwise allowed by law; and
 - 2. the Licensee may offer for sale beer from a tap in a Growler or Crowler (whether manufactured at the establishment or sold for resale) for consumption off site. All Growlers and Crowlers must be properly sealed and sanitized as required by the Illinois Liquor Control Act.
 - 3. the alcoholic beverages cannot be delivered, sold, or possessed by anyone under the age of 21; and
 - 4. the Licensee’s employee or agent must first obtain adequate proof of age from the patron that ordered the alcoholic beverage prior to that patron receiving that alcoholic beverage.
- B. The Village Manager may authorize the expansion of outdoor seating upon public right-of-way, Village streets, and Village owned property. The Village Manager may close Village streets and Village owned parking lots to vehicular traffic for the purposes of allowing outdoor seating for restaurants located in the Village’s Downtown.

All current Village of Wilmette Outdoor Restaurant Seating and Cooking Licenses (“License”) shall remain in effect except the number of tables and

seating may be reduced pursuant to Social Distancing requirements. All existing and new Licenses must comply with the Social Distancing and face covering requirements imposed by the Phase 3 Orders.

The Village shall waive the application and fee requirements of the Licenses for new outdoor seating requests or when the existing outdoor seating area is expanded beyond the grant of authority under existing Licenses and shall allow for the expansion of outdoor seating for restaurants located within the Village's Downtown pursuant to the following regulations and rules:

1. Licensees shall execute an agreement to indemnify, defend, and hold harmless the Village for any and all claims for liability or damages arising from the operation of the outdoor restaurant seating area. The Village Manager is authorized to execute this agreement on behalf of the Village.
2. Licensees shall provide the Village with a certificate of general liability insurance, workers compensation insurance, and, if applicable, dram shop insurance for the new or expanded outdoor seating area. The amount of required liability coverage shall be in an amount not less than \$2,000,000.00 combined single limit per occurrence for bodily injury, property damage and personal injury with a general aggregate of \$4,000,000.00 limit. The Village shall be named as an additional insured on a primary and non-contributory basis under the policy or coverage by original endorsement signed by a person authorized to bind coverage.
3. Outdoor seating shall only be granted to an operator of business that holds a valid Village of Wilmette Category I and II Food Handler License.
4. No outdoor keeping or storage of food or beverages to be served shall be permitted. No open keeping or storage of used dishes, utensils or food scraps shall be permitted. Self-closing outside trash containers shall be provided as required by the Village.
5. Operation of outdoor restaurant seating areas not located in a Village street shall be permitted only at such times as the main place of business is open, and in no event before 6:00 a.m. or after 11:00 p.m. The hours for outdoor seating that is located on a Village street or Village parking lot shall be determined by the Village Manager.
6. No animals, except those assisting the disabled, shall be allowed in the outdoor restaurant seating or cooking area.
7. The sale and consumption of alcoholic beverages in the outdoor seating area shall be restricted by the liquor license governing the restaurant. Any outdoor seating area where alcoholic beverages are sold or consumed shall be clearly delineated and shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the outdoor seating area, except to the interior of the restaurant.
8. The licensee shall remove all tables, chairs, stands, and other equipment or furnishings at the conclusion of operating hours every day.

9. No electrical appliances or conductors, open flame devices, petroleum products or other flammable liquids, other than candles or lanterns of a type approved by the Village Manager, shall be placed or kept in the outdoor seating area.
- C. The Village shall waive the application and permit requirements needed to allow for curb loading zones and install signage for such loading zones next to or in close proximity of a Licensee's front door. This loading zone shall be used for patrons to be able to easily receive and pay curbside for purchases of menu items from the Licensee.
 - D. The Village shall not issue any permits for solicitors, public demonstrations when such demonstrations may include ten (10) or more people, or a temporary use for the purpose of holding a special event if such event will include ten (10) or more people. Once the region where the Village is situated is deemed to be in Phase 4, the Village may issue permits for solicitors, public demonstrations, or temporary uses, as allowed and conditioned by the Executive Orders.
 - E. Notwithstanding the above, temporary use permit requirements are suspended for applications by an institution desiring to engage in the free exercise of religion, on its own property. The Village Manager may issue temporary use permits for an institution seeking to hold an outdoor religious service on its own property when such activity, in the discretion of the Village Manager, will not interfere with the enjoyment and quiet of the surrounding neighborhood or have a detrimental impact upon the traffic of the neighborhood. The 100 percent increase to the amount of the vehicle license fee or tax that is imposed on May 15, 2020 pursuant to Section 14-54 of the Wilmette Village Code shall be delayed and shall be imposed on July 31, 2020. This provision shall apply retroactively to May 15, 2020 and shall survive any termination or expiration of this emergency declaration.
 - F. The Village Manager shall have the authority to delay collection or institute a payment plan for any fees imposed for Village permits, licenses, and utilities. The Village Manager shall have the authority to waive late fees or delay imposition of late fees for all late fees imposed for Village permits, licenses, and utilities.

Duration of Local Disaster Declaration

The Village, based upon the public gathering guidelines of the federal and state governments, and pursuant to the encouragement of public bodies to postpone consideration of public business when possible per the Executive Orders and, in accordance with this Sixth Amended Declaration, the Village Board will not be able to physically meet at its next regularly scheduled Village Board meeting. The Village Manager is directed and authorized to schedule an electronic meeting for June 23, 2020,

unless doing so is unfeasible, then such an electronic meeting shall be held as soon as practically possible thereafter.

Therefore, pursuant to Section 2-1124 of the Village Code, this Sixth Amended Declaration herein shall be in effect until such time as the Village Board shall conduct its next meeting.

Signed and sealed with the official seal of the Village of Wilmette on this 23rd day of June 2020.

By:

Robert T. Bielinski,
Village President – Village of Wilmette

Village Seal