

**VILLAGE OF VERNON HILLS
ORDINANCE 2020-026**

**AN ORDINANCE ADOPTING AND APPROVING RELIEF FROM THE VILLAGE OF
VERNON HILLS VILLAGE CODE IN EXECUTIVE ORDER 2020-01 ISSUED BY THE
VILLAGE PRESIDENT UNDER A DECLARATION OF A STATE OF EMERGENCY
(COVID-19 – MARCH 19, 2020)**

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, on March 19, 2020, the Village President and Board of Trustees adopted Ordinance 2020-025, entitled “An Ordinance Amending the Vernon Hills Village Code With Regard to the Village President’s Authority to Declare a State of Emergency if Needed,” which created Section 6-2 of the Village of Vernon Hills Village Code, entitled “Village President’s Authority to Declare a State of Emergency,” authorizing the Village President to declare a state of emergency in the Village pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

WHEREAS, on March 19, 2020, the Village President declared a state of emergency in the Village due to the threats to the public’s health, safety and welfare from the COVID-19 pandemic pursuant to the “Declaration of a State of Emergency in the Village of Vernon Hills, Lake County, Illinois (COVID-19 – March 19, 2020),” attached hereto as **EXHIBIT A** and made a part hereof (the “Declaration”); and

WHEREAS, on March 22, 2020, the Village President issued Executive Order 2020-01 pursuant to the Declaration, entitled “Executive Order Regarding Liquor License Extensions and Package Sales for Off-Premise Consumption with Pick-Up or Carry-Out Food Service,” attached hereto as **EXHIBIT B** and made a part hereof (“Executive Order 20-1”); and

WHEREAS, pursuant to Section 6.2E of the Village of Vernon Hills Code (“Village Code”), the expiration of the Declaration and Executive Order 20-1 shall be no later than the adjournment of the first regular meeting of the Village President and Board of Trustees after the Declaration was issued or later as declared by an Executive Order or a Declaration of Emergency by the Village President; and

WHEREAS, the Village President and Board of Trustees desire to adopt and extend the relief from the Village Code in Executive Order 20-1 through the later of May 31, 2020, or any later date specified in the Executive Order with regard to specific relief granted therein, in order to better protect and preserve the public’s health, safety and welfare with regard to the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, as follows:

SECTION 1: Incorporation. That the recitals above shall be and are incorporated in this Section 1 as if restated herein.

SECTION 2: Adoption and Approval of Executive Order. That the Village President and Board of Trustees adopt and approve the relief from the Village Code contained in Executive Order 20-1 and the relief shall remain in effect until the later of May 31, 2020 or any later date specified in the Executive Orders with regard to specific relief granted therein.

SECTION 3: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 4: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 5: Effectiveness. That this Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED this 7th day of April, 2020 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

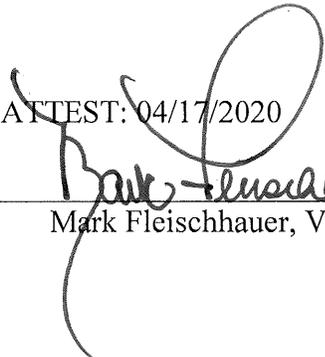
AYES: 6 – President Byrne, Schultz, Brown, Takaoka, Koch, Oppenheim

NAYS: 0 – NONE

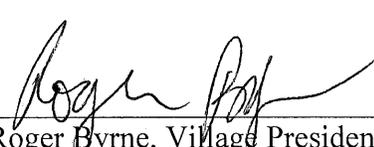
ABSENT AND NOT VOTING: 1 - Marquardt

APPROVED by me this 7th day of April, 2020.

ATTEST: 04/17/2020



Mark Fleischhauer, Village Clerk



Roger Byrne, Village President



EXHIBIT A
DECLARATION OF EMERGENCY

(attached)

DECLARATION 2020-1

**DECLARATION OF A STATE OF EMERGENCY IN THE
VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS
(COVID-19 – MARCH 19, 2020)**

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, COVID-19, also known as the “coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Lake County; and

WHEREAS, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a pandemic; and

WHEREAS, on March 13, 2020, the President of the Lake County Board of Commissioners issued a disaster proclamation in Lake County, Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation in the State of Illinois related to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a nationwide emergency under Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 52 U.S.C. 5121, *et seq.*, related to the COVID-19 pandemic; and

WHEREAS, COVID-19 pandemic is a contagious disease that is likely to cause loss of life, loss of productivity, hardship and suffering to persons residing in or doing business in and around the Village; and

WHEREAS, Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6, provides that the corporate authorities of the Village of Vernon Hills may grant the Village President the extraordinary power and authority to exercise, by executive order during a state of emergency, such of the powers of the Village’s corporate authorities as may be reasonably necessary to respond to the emergency; and

WHEREAS, on Thursday, March 19, 2020, the Village President and Board of Trustees adopted an ordinance entitled “An Ordinance Amending the Vernon Hills Village Code With Regard to the Village President’s Authority to Declare a State of Emergency Pursuant to 65 ILCS 5/11-1-6” which created new Section 6-2 of the Village Code of Ordinances, entitled “Village President’s Authority to Declare a State of Emergency,” authorizing the Village President to declare a state of emergency in the Village pursuant to Section 11-1-6 of the Illinois Municipal Code, 65 ILCS 5/11-1-6; and

WHEREAS, declaration of a state of emergency in the Village is necessary in order to allow the Village to assist in preventing the loss of life and injuries, alleviating damages, loss, hardship and suffering related to the COVID-19 pandemic.

NOW, THEREFORE, BE IT DECLARED, under oath by the Village President of the Village of Vernon Hills, Lake County, Illinois:

SECTION 1: Incorporation. That the recitals above shall be and are incorporated in this Section 1 as if restated herein.

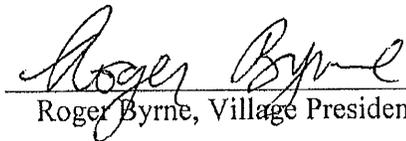
SECTION 2: Declaration of a State of Emergency. That a state of emergency is declared in the Village of Vernon Hills, Lake County, Illinois.

SECTION 3: Executive Orders. That the Village President is authorized to exercise, by executive order, such powers of the Village President and Board of Trustees as the Village President deems reasonably necessary to allow the Village to respond to the emergency.

SECTION 4: Procedures, Protocols and Regulations Subject to Suspension. That the Village Manager shall present requests to the Village President for approval of executive orders described in Section 3 above. Executive orders may address any Village regulations reasonably necessary to allow the Village to respond to the emergency.

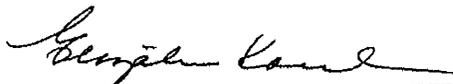
SECTION 5: Duration. That the state of emergency declared herein shall expire no later than the adjournment of the first regular meeting of the Village Board after the state of emergency has been declared in accordance with Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6); however, if the state of emergency has not been resolved as of commencement of the first regular meeting of the Village Board after the state of emergency has been declared, the authorizations set forth above in this Declaration shall remain in full force and effect by executive order of the Village President or until such state of emergency has been resolved as declared in writing by the Village President or until the authorizations are withdrawn by passage of an ordinance by an affirmative majority vote the Village Board at a public meeting.

SECTION 6: Filing. That this declaration shall be filed with the Village Clerk upon its execution by the Village President.



Roger Byrne, Village President

Subscribed and sworn to before me
this 19th day of March, 2020.



Notary Public



EXHIBIT B

EXECUTIVE ORDER 20-1

(attached)

March 30, 2020

Executive Order No. 2020-02

**EXECUTIVE ORDER OF THE VILLAGE PRESIDENT
OF THE VILLAGE OF VERNON HILLS**

**(Exclusion of Emergency Responders from Certain Provisions of the Families First Coronavirus
Response Act)**

RECITALS

WHEREAS, the Village of Vernon Hills (“Village”) is a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, COVID-19, also known as the “coronavirus,” is a dangerous disease which has spread around the world, including in the United States, the State of Illinois and Lake County; and

WHEREAS, COVID-19 is a direct and serious threat to the public’s health, safety and welfare; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak to be a public health emergency of international concern; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring a national emergency concerning the COVID-19 outbreak; and

WHEREAS, on March 9, 2020, the Governor of the State of Illinois issued a disaster proclamation due to the impact of the COVID-19 outbreak and activated the State Emergency Operations Center; and

WHEREAS, on March 18, 2020, the President of the United States signed into law the Families First Coronavirus Response Act (“FFCRA”); and

WHEREAS, on March 19, 2020, at a Special Vernon Hills Village Board meeting, Ordinance 2020-025 was adopted and a local state of emergency and disaster related to the COVID-19 outbreak was declared (see, Village President of Vernon Hills' Declaration of a Local State of Emergency and Disaster 20-1 (the “Declaration”) and Village of Vernon Hills Ordinance No. 2020-25 pertaining to a local state of emergency and disaster); and

WHEREAS, the FFCRA temporarily expands the Family Medical Leave Act of 1993, and requires employers to provide employees with partially paid leave needed in relation to COVID-19; and

WHEREAS, the FFCRA creates the Emergency Paid Sick Leave Act which requires employers to provide employees additional paid sick leave due to the need for leave related to COVID-19; and

WHEREAS, the FFCRA authorizes the employers of health care providers and emergency responders to elect to exclude such employees from the Public Health Emergency Leave and Emergency Paid Sick Leave provisions of the FFCRA; and

WHEREAS, on March 20, 2020, the Governor of the State of Illinois issued Executive order 2020-8, which issued a Stay at Home order for all but “Essential Businesses”, through the remainder of the duration of the Gubernatorial Disaster Proclamation which extends through April 7, 2020; and

WHEREAS, the Village of Vernon Hills may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, including taking immediate emergency measures to protect the public welfare in response to the COVID-19 outbreak; and

WHEREAS, the Village President through the powers granted to him by Ordinance 2020-025 and through the resulting Declaration of Emergency 20-1 has determined that it is necessary to exclude the Village of Vernon Hills’ emergency responders from application of the Public Health Emergency Leave and Emergency Paid Sick Leave provisions of the FFCRA, in order to enable the Village to continually respond to emergencies created by the COVID-19 pandemic.

NOW, THEREFORE, by the powers vested in me as the Village President of the Village of Vernon Hills, and pursuant to Section 11-1-1 (Police Powers) and Section 11-1-6 (Extraordinary Powers; Executive Orders and State of Emergency) of the Illinois Municipal Code (65 ILCS 5/11-1-1 and 5/11-1-6); Vernon Hills Ordinance 2020-025; and the Village President of Vernon Hills' Declaration of a Local State of Emergency and Disaster 20-1, I order the following:

SECTION 1: Recitals. The Recitals set forth above are found to be true and correct and are incorporated herein and made part hereof in their entirety by reference as though fully set forth in this Section.

SECTION 2: Exclusion of Emergency Responders. The Village’s emergency responders are excluded from application of the Public Health Emergency Leave and Emergency Paid Sick Leave provisions of the Families First Coronavirus Response Act.

SECTION 3: Effective Date. This Executive Order shall be in full force and effect from 12:00 A.M. on March 31, 2020.

SECTION 4: Duration. That this Executive Order takes effect immediately and expires upon the earlier of (a) the Declaration ending, or (b) the withdrawal of this Executive Order by the Village President.

SECTION 5: Filing. This Executive Order shall be filed with the Village Clerk’s Office upon its execution by the Village President.

APPROVED this 30st day of March, 2020.

DocuSigned by:

Roger Byrne, Village President

3/30/2020