

TOWN OF NORMAL
NORMAL, ILLINOIS

CITY HALL
PHONE: 454-2444

PROPOSED AGENDA FOR SPECIAL MEETING

Monday, March 23, 2020

5:00 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
NOTE CHANGE: Public Comment will be available via email. Public Commenters should email statements to the City Clerk at ahuonker@normal.org prior to 4:45 p.m. on the day of the scheduled meeting. Statements will be read aloud as part of the record. Public comment will also be available at the meeting site. Social distancing requirements and crowd limits will be enforced. To comply with CDC guidelines and the Governor's Executive Order 2020-10, no more than six members of the public will be allowed to gather in the Council Chambers at any one time.

NEW BUSINESS

5. Ordinance to Authorize Emergency Discretionary Decision-Making Authority to the President of the Board of Trustees (Mayor) and City Manager During COVID-19 Pandemic to Make Decisions Outside the Typical Scope of the Personnel Code, Procurement Policy, Etc. as Needed During Pandemic Crisis

CONCERNS

ADJOURNMENT

TOWN COUNCIL ACTION REPORT

March 20, 2020

An Ordinance Related to the Emergency Created by the Impact of the COVID-19 Virus

PREPARED BY: Pamela S. Reece, City Manager

REVIEWED BY: Eric Hanson, Assistant City Manager
Brian Day, Corporation Counsel

BUDGET IMPACT: Not yet available

STAFF RECOMMENDATION: Approval

ATTACHMENTS: Proposed Ordinance

BACKGROUND

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public-health emergency, and on March 11, 2020, it declared a worldwide pandemic. On January 31, 2020, the U.S. Secretary of Health and Human Services declared a public-health emergency for the United States. On March 9, 2020, the Governor of Illinois issued a disaster proclamation due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center.

Governor Pritzker has issued an Executive Order requiring the closure of schools through March 30, 2020, the closure of food service establishments and the prohibition of groups greater than 50 people.

The Town has been monitoring the COVID-19 (coronavirus) situation closely and has taken initial measures to limit the risk of exposure and transmission of the pandemic. Steps taken to date include but are not limited to closing municipal facilities to the public and cancelling various programs, events and activities.

DISCUSSION/ANALYSIS

In order to address the rapidly changing situation and effectively support municipal operations during this pandemic, staff is proposing Council support of an ordinance that authorizes the President of the Board of Trustees (Mayor) and the City Manager to make decisions that may be outside the typical scope of the Municipal Code.

For example, the Personnel Code defines the accrual and usage of paid sick leave for classified (non-union) employees. During this pandemic, employees are facing unique challenges associated with childcare or potentially with extended absences due to quarantine or isolation. As such, it is requested that the City Manager be granted authority to modify policies to effectively address the situation at hand. Using the sick leave benefit example, the City Manager currently does not have authorization to modify the use of sick leave for non-union employees. The proposed ordinance grants the City Manager

TOWN COUNCIL ACTION REPORT

discretion to address these issues outside of standard policy, if needed. This would apply only for the duration of the COVID-19 emergency.

Further, the proposed ordinance covers a number of potential situations that may arise due to this rapidly changing pandemic response. Proposed sections cover the possible need to make emergency procurements, cancel meetings, delay ordinance violation proceedings, extend payment deadlines and fees due, suspend permits and licenses if necessary, modify bargaining unit agreements or execute letters of understanding with bargaining units and execute intergovernmental agreements to address operational needs in response to COVID-19.

Although Federal or State legislation may address some of these issues, it is undetermined how and when such legislation will go into effect, how it will support municipal operations and if all potential operational issues will be covered by Federal and/or State action. In order to effectively address municipal services, react promptly to personnel and operational needs and be nimble to respond effectively to COVID-19 issues, staff recommends Council authorize the proposed ordinance, allowing the President of the Board of Trustees and the City Manager to swiftly respond to rapidly changing issues.

The proposed ordinance identifies that the City Council will have the ability to review any Executive Orders issued by the President of the Board of Trustees (Section 11) at the Council meeting following the issuance of the Executive Order. In addition, the City Manager will keep the President of the Board of Trustees informed on the status of municipal operations and associated emergency policy modifications throughout the Town's COVID-19 response.

COMMUNITY IMPACT

The proposed ordinance allows Town Administration to quickly respond to changing circumstances associated with COVID-19. Many municipal services must continue during a crisis situation. During this COVID-19 pandemic, staff is tasked with making decisions to most effectively protect the community and the employees, minimizing the risk of exposure and transmission of the virus. Allowing the Mayor and City Manager to make prompt decisions relative to policy modifications or in the best interest of providing services to the community, the proposed ordinance defines the scope and duration for making emergency decisions due to this pandemic.

ORDINANCE NO. _____

AN ORDINANCE RELATED TO THE EMERGENCY CREATED BY THE IMPACT OF THE COVID-19 VIRUS

- WHEREAS, The Town of Normal is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs.
- WHEREAS, On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public-health emergency, and on March 11, 2020, it declared a worldwide pandemic.
- WHEREAS, On January 31, 2020, the U.S. Secretary of Health and Human Services declared a public-health emergency for the United States.
- WHEREAS, On March 9, 2020, the Governor of Illinois issued a disaster proclamation due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center.
- WHEREAS, The Illinois Emergency Management Agency has declared a public-health emergency due to the impact of the COVID-19 virus.
- WHEREAS, On March 13, 2020, the Illinois Governor issued Executive Order 2020-5, requiring the closure of schools through March 30, 2020.
- WHEREAS, On March 16, 2020, the Illinois Governor issued Executive Order 2020-7, which, among other things, (i) requires the closure of food-service establishments (ii) prohibits public and private gatherings of 50 or more people, and (iii) modifies the Open Meetings Act to increase remote participation and to encourage the postponement of public business.
- WHEREAS, Section 10(j) of the Emergency Management Agency Act (20 ILCS 3305/10(j)), various provisions of the Illinois Municipal Code (65 ILCS 5/), and Section 25.2-12 of the Municipal Code of the Town of Normal, Illinois 1969 authorize emergency declarations and powers.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE TOWN OF NORMAL, ILLINOIS:

- SECTION 1. **Meetings of the Board of Trustees.** Any Trustee may attend any regular or special meeting of the Board of Trustees via electronic means, including audio or video conferences. A physical quorum of the Trustees is not required before the remote participation is allowed.
- SECTION 2. **Meetings of Boards and Commissions.** The President may cancel any meeting of a board or commission to which the President appoints members. Any such cancellation will automatically extend any deadline for required actions by the board or commission as will be specified in the cancellation notice.
- SECTION 3. **Licensed or permitted activities.** The President, upon the recommendation of the City Manager or her designee, may suspend licenses or permits for special event or any other licenses or permits issued by the Town that, in the President's

judgment, are necessary for the protection of the life and property of residents and visitors to the community.

- SECTION 4. **Purchases.** The City Manager may authorize any purchase, for which funds are available, that is reasonably related to the emergency. The purchase may be made without following any formal requirement of the Purchasing Policy Manual.
- SECTION 5. **Intergovernmental agreements.** The City Manager is authorized to execute intergovernmental agreements that address the response and needs associated with this local disaster declaration that the City Manager deems to be in the best interest of the Town.
- SECTION 6. **Personnel policies.** the City Manager is hereby authorized to adjust any personnel policy related to leave time, other benefits, or terms and conditions of employment as is reasonably related to the provision of sufficient staffing during the term of the emergency.
- SECTION 7. **Bargaining units.** The City Manager is authorized to enter into any temporary agreement, including memoranda of understanding, with the Town's bargaining units in order to promote the provision of Town services and the health and safety of the public and employees during the emergency.
- SECTION 8. **Town Facilities.** The City Manager is hereby authorized to close Town facilities as is reasonably required to protect the health of the public and employees of the Town.
- SECTION 9. **Ordinance Violations.** The Corporation Counsel is authorized to extend any timeframe for payment or filing related to Town ordinance violations.
- SECTION 10. **Amounts Due and Owning.** The City Manager is authorized to extend deadlines for payment related to any amounts due and owing to the Town. The City Manager may delegate this authority to the Finance Director.
- SECTION 11. **Other Emergency Orders.** The President, upon the City Manager's recommendation, may issue any order, which will have the force and effect of law, as are set forth in Section 25.2-12 of the Municipal Code of the Town of Normal, Illinois 1969. Any such order will be reviewed by the Town Council at the next Council meeting after the issuance of the order.
- SECTION 12. **Absence or Incapacity.** In the absence or incapacity of the President, the Mayor Pro Tem may exercise all of the emergency powers assigned to the President under this ordinance. In the absence or incapacity of the City Manager, then the Assistant City Manager may exercise all of the emergency powers assigned to the City Manager under this ordinance.
- SECTION 13. **Emergency Declaration.** This ordinance will be construed as a declaration of a local disaster as provided for under Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11).
- SECTION 14. **Duration.** The emergency declaration and powers conferred under this ordinance will continue for the duration of the disaster proclamation issued by the Governor of Illinois on March 9, 2020, including any extensions or renewals thereof.

- SECTION 15. That the Town Clerk is directed and authorized to publish this ordinance in pamphlet form as provided by law
- SECTION 16. That this ordinance takes effect immediately upon its passage due to the urgency of implementing appropriate responses to the COVID-19 virus, which is causing or anticipated to cause widespread impacts on the health of members of this community. The recitals are incorporated into this Section.
- SECTION 17. That this Ordinance is adopted under the Home Rule Authority granted the Town of Normal by Article 7, Section 6, of the Illinois Constitution, 1970.

APPROVED:

 President of the Board of Trustees of
 The Town of Normal, Illinois

ATTEST:

 Town Clerk

(seal)

This ordinance was voted upon and passed by the President and Board of Trustees of the Town of Normal on _____, 2020, with _____ voting aye; _____ abstaining; _____ voting nay; and _____ absent.

	AYE	NAY	OTHER		AYE	NAY	OTHER
Councilman McCarthy				Councilwoman Smith			
Councilman Preston				Councilman Nord			
Councilwoman Lorenz				Mayor Koos			
Councilwoman Cummings							

This ordinance was approved by the President on _____, 2020.

This ordinance was published in pamphlet form on _____, 2020.