

ORDINANCE NO. 2020-36

**AN ORDINANCE RATIFYING A CERTAIN MAYORAL EXECUTIVE ORDER DURING THE DECLARATION OF
LOCAL STATE OF EMERGENCY**

WHEREAS, on March 23, 2020 the Mayor of the City of Wheaton 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 III, Section 2-127 of the Wheaton City 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 city as may be reasonably necessary or appropriate to respond to the emergency; and

WHEREAS, the Mayor has issued executive orders some of which the City Council desires to ratify and adopt as acts on behalf of the Corporate Authorities; and

WHEREAS, executive orders not ratified remain in full force and effect unless otherwise rescinded by the Mayor or a majority vote of a quorum of the City Council or where they have expired as a matter of law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton that they hereby ratify the following executive order as necessary and appropriate so as to be fully authorized as if it had been adopted by the City Council contemporaneous with their issuance by the Mayor of the City of Wheaton:

1. Executive Order 2020-10: "Refund and Reduction of Certain City License Fees" Based on Continuing Negative Effects of the COVID-19 Pandemic in the Fourth Quarter of 2020 and First Quarter of 2021, 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.


Philip J. Suers
Mayor

ATTEST:


Karen Bennett Taylor
City Clerk

Ayes:

Roll Call Vote:

Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Nays:

None

Absent:

None

Passed: November 16, 2020

Published: November 17, 2020

EXECUTIVE ORDER OF THE MAYOR OF THE CITY OF WHEATON, ILLINOIS: "REFUND AND REDUCTION OF CERTAIN CITY LICENSE FEES" BASED ON CONTINUING NEGATIVE EFFECTS OF THE COVID -19 PANDEMIC IN THE FOURTH QUARTER OF 2020 AND FIRST QUARTER OF 2021

WHEREAS, Section 2-127 "Emergency Powers and Duties" of Chapter 2 "Administration" of the Wheaton City Code grants authorization to the Mayor of the City of Wheaton 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 Section 2-127 is exclusive to the Mayor; and

WHEREAS, on March 23, 2020, I the Mayor of the City of Wheaton, Philip J. Suess, entered a declaration of local state of emergency based on the COVID-19 pandemic; and

WHEREAS, substantial and lengthy hardships have been placed on businesses and residents because of the COVID-19 pandemic; and

WHEREAS, restaurants licensed to serve alcoholic beverages, which have been required to close or have had substantial operational limitations imposed by Governor Pritzker's Phasing Plan, have suffered significant negative financial impacts resulting from those closures or operational limitations; and

WHEREAS, providing some financial relief by refunding, reducing, or waiving certain City liquor license fees will assist those restaurants in maintaining and managing their businesses as they continue to confront the challenges of the COVID-19 pandemic; and

WHEREAS, I have concluded that an executive order permitting the refund, reduction and waiver of certain liquor license fees is consistent with my authority under the law and the declaration of emergency because it assists in promoting the financial viability of the City in times of emergency; and

WHEREAS, I also have concluded that the City Manager should have the authority to initially implement and thereafter manage the, reduction, refund and waiver of certain fees.

NOW, THEREFORE, BASED ON THE FOREGOING RECITALS, I, Philip J. Suess, as Mayor of the City of Wheaton, hereby order instanter, pursuant to my executive powers granted by law and the declaration of emergency, that:

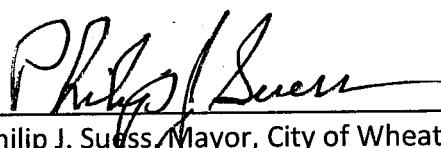
1. Recitals. The foregoing recitals are incorporated herein as substantive provisions; and
2. Certain Liquor Licenses Last Quarter 2020. Section 6-88 of the Wheaton Municipal Code sets forth the fees associated with specific liquor license classifications to be paid by December 31 of each year. Although Section 6-88-c permits a reduced fee in proportion to the full calendar months of only the initial fee, I hereby declare that a 3 (three) month refund is hereby ordered for Liquor License Classifications: A, B, H, I, L, M, O, R, and W for the fourth quarter of the 2020 calendar year (October, November and

December) during which the licensee was unable, or operationally limited in its ability, to engage in the business of selling alcoholic liquor as a result of Governor Pritzker's phasing strategies and orders. This provision shall become effective upon the execution of this order but shall only remain effective if ratified by the Wheaton City Council at its regular meeting on November 16, 2020

3. **Liquor Licenses First Quarter 2021.** Section 6-88 of the Wheaton Municipal Code sets forth the fees associated with specific liquor license classifications to be paid by December 31 of each year. Although Section 6-88-c permits a reduced fee in proportion to the full calendar months of only the initial fee, a waiver of fees for each Wheaton restaurant liquor licensee for the first quarter of the 2021 calendar year (January, February and March) with the remaining amount not due until March 31, 2021, is hereby ordered for the following Liquor License Classifications: A, B, H, I, L, M, O, R, and W. This provision shall become effective upon the execution of this order but shall only remain effective if ratified by the Wheaton City Council at its next regularly scheduled meeting on November 16, 2020.

The City Manager, of the City of Wheaton, is hereby directed to undertake those acts necessary from the City's standpoint to implement this Order and manage it in accordance with its terms, covenants and conditions until it expires or is terminated.

SO ORDERED this 4th day of November 2020.


Philip J. Suess
Philip J. Suess, Mayor, City of Wheaton

ATTEST:


Karen Bennett-Suarez
Date: 11/14/20
City Clerk