

## **ORDINANCE**

**WHEREAS**, Beginning in late 2019, a new and highly communicable type of Coronavirus, now commonly known as COVID-19, emerged and began to spread rapidly. Despite efforts to contain COVID-19, it continues to spread throughout Chicago and the State of Illinois; and

**WHEREAS**, COVID-19 presents an extraordinarily severe and unprecedented threat to the populace of Chicago. It is necessary and appropriate for the City of Chicago ("City") to take immediate measures to protect the health, safety, and welfare of its residents; and

**WHEREAS**, On March 18, 2020, acting pursuant to Section 2-4-110 of the Municipal Code ("Code"), the Mayor declared that a state of emergency exists in Chicago and issued Emergency Executive Order No. 2020-1, conferring additional temporary authority for certain essential City functions and services; and

**WHEREAS**, The City is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs, including the exercise of police powers to protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, It is vital that City government continue to act swiftly and effectively to help and support our residents and employees during this public health emergency caused by COVID-19 ("Emergency"), including legislative adoption and ratification of provisions in Executive Order No. 2020-1 and the passage of additional legislative measures; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

### **ARTICLE I – FISCAL AND PROCUREMENT-RELATED**

**SECTION 1.** The Budget Director is authorized to appropriate Emergency-related funds from federal, state and other sources, establish new funding lines, consolidate funding lines, and transfer or otherwise reallocate currently appropriated funds, including making fund transfers between City Departments, all as needed to maximize effectiveness of the City response to the Emergency. The Budget Director shall provide a summary of any such budgetary activity to the Committee on the Budget and Government Operations as soon as feasible following such activity.

**SECTION 2.** The Comptroller is authorized to suspend application of all or portions of Sections 3-24-030 (hotel accommodations tax), 3-30-030 (restaurant tax), 3-43-030 (bottled water tax), 3-46-030 (ground transportation tax), 3-50-030 (bag tax), 4-156-020 and 032 (amusement tax Article I), and 4-236-020 and 025 (parking tax) of the Code. Any such suspension shall be applied in conformance with the Uniformity Clause of the Illinois Constitution but shall otherwise be within the Comptroller's sole discretion, based on the circumstances of the affected industries, considerations of administrative convenience and other relevant objective factors.

**SECTION 3.** The Chief Procurement Officer is authorized to enter any contract or amendment to a contract that she deems necessary and appropriate to respond to the Emergency. Such a contract or amendment to a contract shall include terms deemed necessary by the Chief Procurement Officer to effectively address the Emergency, notwithstanding any Code provision to the contrary, and may be in an amount that shall be subject only to the limit of funds that have been duly appropriated for said purpose.

**SECTION 4.** Any new contract or amendment to an existing contract executed by the Commissioner of Health to address the Emergency between March 1, 2020 (the threshold date for CARES Act reimbursement) and the effective date of this Ordinance, and in anticipation of the City receiving a federal or state grant or other reimbursement, is ratified regardless of the ultimate source of funds applied to that contract.

**SECTION 5.** The Commissioner of Assets, Information and Services, in exercising authority under Section 2-51-050(12) of the Code to enter into temporary agreements for the use and occupancy of real property, with prior advice and consent of the Corporation Counsel or his designee, is authorized to provide indemnification in such agreements and extend the temporary period of occupancy if the City concludes that doing so is necessary or appropriate to effectively address the Emergency.

**SECTION 6.** No Economic Disclosure Statement or comparable disclosure shall be required of any person entering into an Emergency-related agreement with the City for: (i) the temporary use and occupancy of real property, (ii) the purchase or lease of supplies, equipment, or other goods, or (iii) the provision of services for, on behalf of, or at the request of, the City.

## **ARTICLE II – TOLLING OF DEADLINES AND OTHER TIME-BASED REQUIREMENTS**

**SECTION 1.** The Director of the Department of Administrative Hearings is authorized to continue or otherwise postpone hearings and determinations on matters before that Department as in her judgment will promote the public good and facilitate the work of the Department of Public Health. Said suspension of adjudicatory proceedings shall toll any mandatory time limits to request or hold a hearing, file a motion, or render a decision, and shall also toll any storage fees imposed by the Code.

**SECTION 2.** All deadlines and other time-based requirements imposed upon the Chicago Plan Commission, the Building Board of Appeals, the Zoning Board of Appeals, the Commission on Chicago Landmarks and the Community Development Commission with respect to when a hearing must be held, a recommendation must be made, or a final decision must be rendered are hereby tolled without prejudice to any party to any such proceeding. All public participation requirements imposed upon these same public bodies by the Code are hereby suspended without prejudice to any party in any such proceeding. The chairmen of the

public bodies referenced in this section are authorized to promulgate rules for the conduct of their respective public meetings, including regarding public participation, that shall be applicable while this Section is in effect.

Further, any deadline for action imposed upon the City Council pursuant to Chapter 2-120 (the Chicago Landmarks Ordinance) or Title 17 (the Chicago Zoning Ordinance) of the Code is hereby tolled, which tolling shall preserve the status quo in effect at the time of tolling.

**SECTION 3.** The Building Commissioner is authorized to suspend application of Sections 1-23-400, 2-32-094, 4-4-150, 14A-4-401.3.1, and 14A-6-601.1.3 of the Code. Any such suspension shall be uniformly applied.

**SECTION 4.** Notwithstanding any requirement of Section 4-4-260, any license required under Title 4 which expired on or after March 15, 2020 shall be considered active, whether or not renewed by the license holder, while this Section is in effect. No late fee or expiration shall take effect on the license until 30 days after the repeal of this Section. However, this Section does not change the fee for renewal nor have the effect of prorating any fees paid for renewal of a license, nor of changing the renewal date.

**SECTION 5.** The Commissioner of Business Affairs and Consumer Protection is authorized to defer collection of any fee that is required to be paid by a taxicab or transportation network provider licensee to the City's accessibility fund.

**SECTION 6.** If a liquor license holder is closed and not selling alcoholic liquor because of the Emergency, the requirement to maintain liquor liability (dram shop) insurance pursuant to Section 4-60-040(c)(2) of the Code is hereby suspended. Following the repeal of this Section, a liquor license holder may not sell alcoholic beverages until all necessary state and local insurance requirements are current and in good standing.

**SECTION 7.** Any sidewalk café permit required by Section 10-28-805 that ceased to be in effect on February 29, 2020, shall retroactively be reinstated and have effect until July 31, 2020. This ordinance does not have the effect of prorating any fees paid for renewal of a permit. All conditions of a permit, including under Section 10-28-815, must still be met.

### **ARTICLE III – EMPLOYEE-RELATED AND MISCELLANEOUS**

**SECTION 1.** If the City suspends or discontinues in whole or in part the provision of certain services otherwise provided by City employees because of the Emergency, the City is authorized to pay such employees the regular salary or hourly wage and provide the regular benefits that such employees would otherwise have received in the absence of such suspension or discontinuation of services. This section supplements, and supersedes any inconsistent provision in, the Salary Resolution.

**SECTION 2.** The Commissioner of Human Resources is authorized to amend the City's Sick Leave Policy consistent with the City of Chicago Sick Leave Policy Addendum, published in the City of Chicago Employees portion of the Resources tab of the City of Chicago COVID-19 web page and as amended to reflect changes in pertinent governing state or federal law. This section supplements, and supersedes any inconsistent provision in, the Salary Resolution.

**SECTION 3.** Title 17 of the Code is amended by adding new Section 17-9-0302, as follows:

17-9-0302 Temporary Emergency Public Safety Services. Public safety services that provide temporary government-authorized fire, police or life protection services are allowed in any zoning district when required to facilitate emergency situations.

#### **ARTICLE IV – AIRPORT CONCESSION RELIEF**

**SECTION 1.** The City Council makes the following findings and determinations, which are incorporated by reference into this Article:

The City owns and operates Chicago O'Hare International Airport and Midway International Airport (the "Airports") and possesses the power and authority to lease its premises and facilities and to grant other rights and privileges with respect thereto.

The City is vested with authority to provide for the needs of aviation, commerce, shipping, and traveling to and around the Airports to promote and develop the Airports, and, in the exercise of such power, to enter into agreements with entities to manage City-owned properties at the Airports, upon such terms and conditions as the corporate authorities of the City shall approve.

The United States Secretary of Health and Human Services ("HHS") declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d) and March 1, 2020, pursuant to sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), it was found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency (the "Emergency").

The COVID-19 outbreak has led to orders of shelter-in-place or stay-at-home by state governments throughout the United States, including that of Illinois, and by foreign governments to contain the spread of the outbreak.

A substantial reduction in commercial travel to and from the Airports has occurred since declaration of the Emergency with the Airports experiencing significantly reduced enplanements, aircraft operations, and passenger volume, adversely affecting the ability of airport concessionaires (as defined by 49 CFR § 23.3) at the Airports ("Concessionaires") to continue to operate.

The provisions of this Article are public purposes for the benefit of the people of the City

and its Airports, and will reduce conditions of unemployment and will encourage the continued development of airport concessions businesses that serve the citizens of the City as well as travelers from around the world.

The purpose of this Article is also, in part, to protect and preserve the employment of individuals affected by the economic impacts of the COVID-19 pandemic at the Airports and to stimulate commercial growth and remove economic stagnation that would otherwise occur without the benefits provided in this Article.

**SECTION 2.** The Commissioner of Aviation (“Commissioner”) or her proxy is hereby authorized to execute, with the approval of the Chief Financial Officer of the City (“CFO”), and the approval of the Corporation Counsel as to form and legality, changes to agreements with existing Concessionaires to provide for temporary relief for the Concessionaires in response to the Emergency. Relief shall be as the Commissioner deems appropriate for a particular Concessionaire and may take the form of any of the following, as applicable: (A) rent reductions; (B) adjustments to minimum rent; (C) rent deferral; (D) reduced deposit or letter of credit requirements; (E) relaxation of mandatory minimum or maximum operating space requirements; (F) short extension of term to extend amortization of costs; (G) authorization of operational alternatives including, but not limited to kiosks, retail merchandising units, food carts, mobile drink dispensers and other mobile facilities, subject to applicable ordinances and laws; or (H) other relief consistent with federal airport grant assurances and other legal requirements (the “Relief”). The Relief must be for a maximum of three years, may be given in renewable increments, may be retroactive to as early as February 1, 2020, and may be conditioned on Concessionaires’ compliance with such requirements as are determined by the Commissioner to serve the interests of the City in maintaining a strong and resilient concessions program. Such Relief conditions must include requirements to maintain a certain percentage of the workforce for a certain period of time, and at the Commissioner’s option may include, but are not limited to, relief being given to subtenants/sublicensees of any tier as applicable. To implement this Section, the Commissioner may amend concession agreements or execute new short term concession agreements to memorialize the Relief and Concessionaires’ commitments that condition that Relief, to include term extension if applicable. Such amendments or short term agreements may not revisit contract terms unrelated to Relief under this section if not at least as favorable to the City as those in the currently applicable agreement. Such term extensions or short term agreements may not exceed three years, plus a maximum of two additional one-year extensions to be taken only at the City’s option. Relief under this section shall be given only to those Concessionaires that in the judgment of the Commissioner demonstrate need.

**SECTION 3.** The Commissioner, with the approval of the CFO, the Corporation Counsel as to form and legality, the availability of appropriate funds, and as permitted under federal airport grant assurances and other legal requirements, is hereby authorized to make loans and grants to Concessionaires or Airport Concession Disadvantaged Business Enterprises (“ACDBE”) certified participants in concessions from the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) grant proceeds, or other general airport funds, as the Commissioner may determine is necessary to help maintain a strong and resilient concessions program at the Airports in light of the challenges of the Emergency. Such loans and grants shall be used to meet rent, payroll costs (including fringe benefits), and/or other ongoing obligations,

and in the case of ACDBE participants in joint ventures, assistance with capital calls or other contributions to the Joint Venture (“JV”) in response to the Emergency. Such loans and grants shall include limitations on the use of the loan or grant funds, and may include other conditions on operation of the business that the Commissioner deems appropriate. At the Commissioner's sole discretion, loans under this section may provide for full or partial forgiveness if conditions set by the Commissioner are met. The Commissioner may also restructure the terms of the loans, including but not limited to loan payment deferment, loan modification, and loan forbearance, as the Commissioner deems appropriate. In making loans and grants under the authority of this section, the Commissioner shall prioritize certified ACDBEs and other small business enterprises operating concessions at the Airports that meet the business size and personal net worth standards applicable to ACDBEs, but loans and grants under this section may be made available to any Concessionaire demonstrating need as well as entities participating in concessions at the Airports that are not first tier parties to a concession agreement with the City. Loans under this section shall not exceed five years and shall be executed by the Commissioner and CFO or their proxies.

**SECTION 4.** Demonstration of need for the purposes of this Article may include, without limitation, a showing of the business owners’ personal financial circumstances as well as the circumstances of the business, as the Commissioner deems appropriate.

**SECTION 5.** The Commissioner is authorized to promulgate rules governing the programs described in the sections of this Article above.

**SECTION 6.** The Commissioner and such other City officials and employees as may be required are authorized to take such actions and execute such other documents as may be necessary or desirable to implement the objectives of this Article.

## **ARTICLE V – EFFECTIVE DATE, IMPLEMENTATION AND REPEAL**

**SECTION 1.** This ordinance shall take effect upon passage and approval and shall apply retroactively to March 18, 2020, except for Section 4 of Article I (CARES Act reimbursement), which applies retroactively to March 1, 2020, and Section 4 of Article II (License expiration), which applies retroactively to March 15, 2020. In the event of any inconsistency between this ordinance and any Municipal Code provision or other preexisting ordinance, this ordinance shall prevail.

Except with regard to Section 7 of Article II (Sidewalk Cafes), which contains a firm termination date, this ordinance, or any portion thereof, shall be repealed of its own accord, without further action of the City Council, when the Commissioner of Public Health makes a written determination that the threat to public health posed by COVID-19 has diminished to the point that this ordinance, or any portion thereof, can safely be repealed. Following the repeal of this ordinance or pertinent portion thereof, the affected City departments are authorized to take appropriate measures to ensure an orderly resumption of routine practice, including, if deemed appropriate by the pertinent Department head, providing grace periods of up to 30 days, coupled with notification to affected members of the public.