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OFFICE OF THE  
VILLAGE PRESIDENT

**Date:** November 8, 2018  
**To:** Village Board of Trustees  
**From:** Robert T. Bielinski, Village President  
**Subject:** **Repeal of Village Ordinances Concerning Cook County Minimum Wage and Paid Sick Leave Ordinances**

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**Introduction of Ordinance No. 2018-O-85**

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**Recommendation**

I am recommending that the Village Board of Trustees adopt Ordinance No. 2018-O-85. Pursuant to my authority under Chapter 2, Section 2-2.5.4 of the Village Code, I have directed the Corporation Counsel and the Village Manager to place this Ordinance on the Village Board's agenda for introduction on November 13, 2018, and for discussion and adoption on November 27, 2018.

This Ordinance will result in the Village "opting in" to the Cook County ordinances regarding minimum wage and mandatory paid sick leave. It will repeal the Village's ordinances that "opted out" of the County's paid sick leave requirements (Ord. 2017-O-40) and conditionally opted into the County's minimum wage requirements (Ord. 2017-O-36 & Ord. 2018-O-45).

**Discussion**

On November 6, 2018, Wilmette residents overwhelmingly approved two countywide referenda:

- *Shall the minimum wage in your municipality match the \$13 per hour Cook County minimum wage law for adults over the age of 18 by July 1, 2020, and be indexed to the consumer price index after that?*
- *Shall your municipality match the Cook County earned sick time law which allows for workers to earn up to 40 hours (5 days) of sick time a year to take care of their own health or a family member's health?*

In an election with strong voter turnout, Wilmette voters approved the minimum wage referendum by a margin of 76% to 24%, and approved the paid sick leave referendum by a margin of 80% to 20%.

In 2017, when the Village Board joined more than 100 other suburban Cook County municipalities in “opting out” of Cook County’s 2016 minimum wage and paid sick leave ordinances before they took effect, Cook County had not studied or solicited information on the potential impact of their ordinances on suburban communities. Moreover, two referenda relied upon for the Cook County ordinances dated back to 2014 and 2016, called for statewide action, and in the case of minimum wage, differed in substance:

- *Shall the minimum wage in Illinois for adults over the age of 18 be raised to \$10 per hour by January 1, 2015?* (2014)
- *Shall Illinois enact the Earned Sick Time for Employees Act, which will allow Illinois workers to earn up to 40 hours of sick time a year to take care of their own health or a family member's health?* (2016).

When the Village Board acted to preserve the *status quo* by opting out of the Cook County ordinances in 2017, the Village Board also committed to a comprehensive review of the subject. The Village Board appointed a “Working Group” of highly qualified individuals to conduct a thorough and thoughtful review of the County ordinances and how they might affect Wilmette. After receiving this report, the Village Board modified its position in June 2018 to “opt in” to the Cook County minimum wage requirements effective October 1, 2018, subject to certain conditions.

Thanks to the extensive public discussion of this subject in Wilmette during 2017 and 2018, and the comprehensive report of the Working Group, Wilmette residents are better informed and engaged on this issue than anywhere else in Cook County. The November 6 referenda correctly and accurately reflected the County’s ordinances and were both approved overwhelmingly by Wilmette voters.

Therefore, I believe that the Village Board should implement the results of the referenda and fully “opt in” to both County ordinances. I believe that this should be done promptly, mindful of the need to provide notice to our business community. I believe that the Village’s thorough and thoughtful review of this subject for the past two years obviates the need for additional examination and that we should implement the results of the November referenda expeditiously.

Although I am unable to attend the November 13, 2018 Village Board meeting, I have directed the Village Manager to place this Ordinance on the agenda for introduction at the November 13 meeting, so that it can be discussed and adopted at our November 27, 2018 meeting. This would allow the Ordinance to take effect January 1, 2019 and give businesses over a month to prepare for the paid sick leave requirements (as the minimum wage requirements of the County’s ordinance are already in effect in Wilmette).

RTB/

**ORDINANCE NO. 2018-O-85**

**AN ORDINANCE REPEALING THE CONDITIONS PROVIDED FOR IN VILLAGE ORDINANCE 2018-O-45 THAT AUTHORIZED A CONDITIONAL REPEAL OF ORDINANCE 2017-O-36 AND REPEALING VILLAGE ORDINANCE 2017-O-40 IDENTIFYING HOME RULE CONFLICTS WITH A CERTAIN COUNTY ORDINANCE REGARDING PAID SICK LEAVE**

**WHEREAS**, the Village President and Board of Trustees (“the Corporate Authorities”) of the Village of Wilmette (“Village”) find that the Village is a home rule municipality as provided in Article VII, Section 6 of the Constitution of the State of Illinois, 1970, and may pursuant to said authority undertake any action and adopt any ordinance relating to its government and affairs; and

**WHEREAS**, Article VII, Section 6(c) of the Constitution of the State of Illinois of 1970 provides that when a county ordinance conflicts with an ordinance of a home rule municipality, the municipal ordinance shall prevail within its jurisdiction; and

**WHEREAS**, on October 5, 2016, the County of Cook Board of Commissioners adopted an ordinance Establishing Earned Sick Leave for Employees in Cook County that requires employers in Cook County to provide a minimum number of paid sick days to employees (“Cook County Sick Leave Ordinance”); and

**WHEREAS**, on October 26, 2016, the County of Cook Board of Commissioners adopted an ordinance creating a minimum wage in Cook County (“Cook County Minimum Wage Ordinance”) that stipulates scheduled increases in the minimum hourly wage paid by employers in Cook County; and

**WHEREAS**, on June 27, 2017, the Village adopted Ordinance 2017-O-36 which had the legal effect of the Village “opting out” of the Cook County Minimum Wage Ordinance; and

**WHEREAS**, on June 27, 2017, the Village adopted Ordinance 2017-O-40 which had the legal effect of the Village “opting out” of the Cook County Sick Leave Benefits Ordinance; and

**WHEREAS**, on June 26, 2018, the Village adopted Ordinance 2018-O-45 which repealed Ordinance 2017-O-36 that had the legal effect of repealing the Village’s “opt out” of the Cook County

Minimum Wage Ordinance, thereby “opting in” with conditions imposed that would nullify the repeal provided in Ordinance 2018-O-45 if certain events occurred; and

**WHEREAS**, the conditions imposed in Section 2(D) and Section 2(E) of Ordinance 2018-O-45 are as follows:

D. This Ordinance shall be automatically repealed and Ordinance 2017-O-36 shall return to being in full force and effect within the Village upon the first of the following events:

- a. The General Assembly of the State of Illinois raises the minimum wage by enacting a new statute or by amending the State-wide minimum wage provided for in the Minimum Wage Law;
- b. The County of Cook amends or modifies the Cook County Minimum Wage Ordinance or enacts a new County-wide minimum wage law;

E. If the events listed in Section D above do not occur prior to July 1, 2021, this Ordinance shall be repealed on July 1, 2021 and Ordinance 2017-O-36 shall return to being in full force and effect within the Village.

**WHEREAS**, On November 6, 2018, Wilmette voters approved the following referendum by a margin of 76% to 24%:

Shall the minimum wage in your municipality match the \$13 per hour Cook County minimum wage law for adults over the age of 18 by July 1, 2020, and be indexed to the consumer price index after that?

**WHEREAS**, On November 6, 2018 Wilmette voters approved the following referendum by a margin of 80% to 20%:

Shall your municipality match the Cook County earned sick time law which allows for workers to earn up to 40 hours (5 days) of sick time a year to take care of their own health or a family member's health?

**WHEREAS**, the Corporate Authorities find it in the best interests of the health, safety, and welfare of public to repeal the conditions provided for in Ordinance 2018-O-45 to allow for an unconditioned repeal of 2017-O-36, so that the Cook County Minimum Wage Ordinance shall have full application within the boundaries of the Village of Wilmette; and

**WHEREAS**, the Corporate Authorities find it in the best interests of the health, safety, and welfare of public to repeal Ordinance 2017-O-40, without a retroactive application, so that the Cook County Sick

Leave Ordinance shall have full application within the boundaries of the Village of Wilmette beginning January 1, 2019.

**NOW, THEREFORE**, be it ordained by the Corporate Authorities of the Village of Wilmette, Cook County, Illinois, as follows:

**SECTION 1. INCORPORATION OF PREAMBLES**

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

**SECTION 2. REPEAL OF THE CONDITIONS IMPOSED IN ORDINANCE 2018-O-45**

Section 2(D) and Section 2 (E) of Ordinance 2018-O-45 are hereby repealed in their entirety effective immediately.

**SECTION 3. REPEAL OF ORDINANCE 2017-O-40**

- A. Ordinance 2017-O-40 is hereby repealed in its entirety on January 1, 2019.
- B. The repeal of Ordinance 2017-O-40 shall not apply retroactively and there shall be no retroactive application of the Cook County Sick Leave Ordinance requiring unpaid sick leave to eligible employees by covered employers operating within the Village during the time period that Ordinance 2017-O-40 was in full force and effect.
- C. Covered employers operating within the Village shall be obligated to comply with the Cook County Sick Leave Ordinance beginning January 1, 2019.

**SECTION 4. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 5. EFFECTIVE DATE FOR FULL FORCE AND EFFECT**

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

**PASSED** by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **27<sup>th</sup>** day of **November, 2018**, according to the following roll call vote:

**AYES:** None.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:** None.

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Clerk of the Village of Wilmette, IL

**APPROVED** by the President of the Village of Wilmette, Illinois, this **27<sup>th</sup>** day of **November, 2018**.

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President of the Village of Wilmette, IL

**ATTEST:**

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Clerk of the Village of Wilmette, IL

Published in Pamphlet Form this **28<sup>th</sup>** day of **November, 2018**