

THOMAS

ORDINANCE NO. CO-2017-20

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS)
OF THE MAYWOOD VILLAGE CODE TO ADD
A NEW CHAPTER 127 (CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES:
MINIMUM WAGE LAW AND SICK LEAVE LAW) WITH REGARD TO
CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES**

(COOK COUNTY MINIMUM WAGE AND PAID SICK LEAVE ORDINANCES)

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted Ordinance Number 16-5768, entitled "An Ordinance Establishing Earned Sick Leave For Employees In Cook County," that requires private employers in Cook County to provide a minimum number of paid sick days to employees; and

WHEREAS, on October 26, 2016, the County of Cook Board of Commissioners adopted Ordinance Number 16-4229, entitled "An Ordinance Creating A Minimum Wage In Cook County," requiring a minimum wage to be paid by private employers in Cook County; and

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

WHEREAS, the President and Board of Trustees of the Village of Maywood make the following findings:

- A. Cook County Ordinance Numbers 16-5768 and 16-4229 place an undue and unequal burden on employers within the Village given the current requirements for employers under Federal and State law;
- B. Cook County Ordinance Numbers 16-5768 and 16-4229 create and contribute to a burdensome patchwork quilt of regulation and establish an uneven playing field for employers and employees regarding the wages and benefits of employees that is properly a matter of State-wide concern that is outside the power of Cook County to regulate;
- C. From the approval date of this **Village Ordinance Number CO-2017-20** to December 31, 2017, the Village President and the Village Manager, and their designees, are directed to meet with, communicate with and endeavor to work cooperatively with the Village's local business association and municipal associations (e.g., Illinois Municipal League, West Central Municipal Conference, Mayors and Managers Conference) and the Village's elected State representatives in an effort to encourage the Illinois General Assembly to adopt a uniform, State-wide minimum wage law and sick leave law in lieu of a minimum wage law and sick leave law adopted by Cook County Ordinance Numbers 16-5768 and 16-4229;
- D. If the Illinois General Assembly has failed to adopt a uniform, State-wide minimum wage law and sick leave law by December 31, 2017, then the President and Board of Trustees

of the Village should revisit whether to repeal all or part of Chapter 127 (Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law) of the Maywood Village Code or allow Chapter 127 to remain in effect; and

- E. This Ordinance should have an automatic repeal provision that becomes operative upon the effective date of a State-wide minimum wage law and sick leave law that supersedes the employee minimum wage and sick leave benefits provided by Cook County Ordinance Numbers 16-5768 and 16-4229; and

WHEREAS, pursuant to its specific authority under Article VII, Section 6(c) of the Illinois Constitution of 1970, and the general home rule authority granted to home rule municipalities as defined by Article VII, § 6 of the Illinois Constitution of 1970, the President and Board of Trustees of the Village find it is in the best interests of the Village, Village residents, Village employers, and the public's health, safety and welfare to amend the Maywood Village Code, as amended, to clearly define the sick leave and minimum wage regulations that apply to employers located in the Village as being those set forth in State and Federal law as contained below in Section 2 of this Ordinance (the "Code Amendments").

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Title XI (Business Regulations) of the Maywood Village Code, as amended, is amended by adding a new Chapter 127, entitled "Conflicts With Certain Home Rule County Ordinances: Minimum Wage Law And Sick Leave Law," which shall read in its entirety as follows:

"CHAPTER 127: CONFLICTS WITH CERTAIN HOME RULE COUNTY ORDINANCES: MINIMUM WAGE LAW AND SICK LEAVE LAW

§ 127.01 PAYMENT OF MINIMUM HOURLY WAGES AND PAID SICK LEAVE.

(A) Employers located within the Village shall comply with all applicable Federal and/or State laws and regulations, as such laws and regulations may exist from time to time, with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall be in compliance with all applicable Federal and/or State laws and regulations, as such laws and regulations may exist from time to time.

(B) No additional obligations with regard to paid sick leave or minimum hourly wages imposed by any ordinance adopted by the County of Cook Board of Commissioners shall apply to any employer located within the Village. The Village opts out of any such ordinance(s) adopted by the County of Cook Board of Commissioners, and this ordinance of the Village conflicts with any such ordinance(s) adopted by the County of Cook Board of Commissioners that imposes additional obligations with regard to paid sick leave or minimum hourly wages.

(C) For the purposes of this Section, the term "employee" means an individual permitted to work by an employer regardless of the number of persons

the employer employs, and the term "employer" means any person employing one (1) or more employees, or seeking to employ one (1) or more employees, if the person has its principal place of business within the Village or does business within the Village.

(D) For the purposes of this Section, the term "employer" does not mean:

1. The government of the United States or a corporation wholly owned by the government of the United States;
2. An Indian tribe or a corporation wholly owned by an Indian tribe;
3. The government of the State or any agency or department thereof; or
4. Any unit of government.

(E) In the event that Cook County Ordinance Number 16-5768 and Cook County Ordinance Number 16-4229, or any other related, superseding Cook County Ordinances, are repealed by Cook County or a court of final jurisdiction rules that they are void or they are superseded by the enactment of a State-wide minimum wage law and minimum sick leave law, this Chapter 127 of the Village Code and **Village Ordinance Number CO-2017-20** shall automatically be repealed upon the effective date of the repealing law, the final court ruling or the enactment of the State-wide minimum wage law and minimum sick leave law that supersedes Cook County Ordinance Number 16-5768 and Cook County Ordinance Number 16-4229."

SECTION 3: All tables of contents, indexes, and internal references or cross-references to sections that need to be amended or deleted as a consequence of the above Code Amendments shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 16th day of May, 2017, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon,
A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

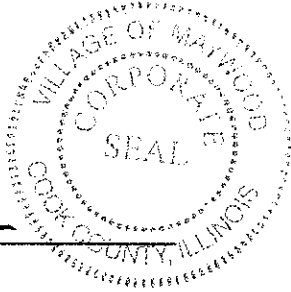
ABSENT: None

APPROVED by me this 18th day of May, 2017, and attested to by the Village Clerk this same day.


Edwenna Perkins, Village President

ATTEST:


Viola Mims, Village Clerk



STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 16th day of May, 2017 at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 18th day of May, 2017.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 18th day of May, 2017.



Viola Mims, Village Clerk