

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org

Resolution No: 2049

File Number: 2020-0747

RESOLUTION AGAIN ENCOURAGING THE ILLINOIS GENERAL ASSEMBLY TO CONVENE
TO ADDRESS COVID-19

VILLAGE OF ORLAND PARK STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

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WHEREAS, in late 2019, an outbreak of novel coronavirus (“COVID-19”) occurred in China and quickly spread across the globe; and

WHEREAS, on March 9, 2020, the Governor of Illinois declared all counties in the State of Illinois as a disaster area pursuant to the Illinois Emergency Management Agency Act (20 ILCS 3305); and

WHEREAS, the Governor has continued to declare all counties in the State of Illinois as disaster areas every 30 days since March 9th, up to and including October 16, 2020, such that the entire State has remained in a disaster footing for over seven continuous months; and

WHEREAS, between March 9, 2020, and October 27, 2020, the Governor of Illinois has issued 58 Executive Orders related to the COVID-19 outbreak, which contain numerous mandates purporting to protect the public health of Illinois residents, including making mask wearing mandatory, prohibiting gatherings, requiring social distancing, and various other provisions; and

WHEREAS, on October 27, 2020, the Governor issued Executive Order 62, which imposed strict measures on Suburban Cook County, including the prohibition of all indoor dining; and

WHEREAS, the Board of Trustees of the Village of Orland Park cares deeply for the health and well-being of the residents of the Village and visitors to the Village; and

WHEREAS, since the beginning of this pandemic, the Village of Orland Park has been proactive in providing assistance to its residents, businesses and visitors; and

WHEREAS, the stress and economic harm caused by the stay-at-home orders also affect the physical and mental health of all residents, leading to increases in suicides, physical abuse, and addiction.

WHEREAS, the Village of Orland Park recognizes that public health adjustments such as social distancing may need implementation in order to keep the residents of the Village safe and healthy during these unprecedented times; and

WHEREAS, the Governor’s statewide orders have caused severe economic hardship to the Village and the residents of the Village, through a significant rise in unemployment and a reduction in the economic activity of the Village; and

VILLAGE OF ORLAND PARK

Resolution No: 2049

WHEREAS, the Village desires to act for the benefit of the health, safety and welfare of the residents of the Village, by providing public access in a safe and measured way, balancing the public health situation of the Village with the other needs of Village residents; and

WHEREAS, the State of Illinois is overwhelmed with unemployment requests and revenue projections at the State and local levels are down significantly; and

WHEREAS, protecting the economy, using a measured and staged approach, will help get people back to work, keep the economy functioning to support a robust health care system, help people maintain the funds and insurance necessary to receive appropriate medical care, and minimize the revenue losses at the State and local levels; and

WHEREAS, the original goal of the stay-at-home orders was to flatten the curve and ensure that our hospital systems were not overwhelmed; and

WHEREAS, since these goals continue to be met, new and continuously unrealistic goals are being imposed unilaterally without legislative approval; and

WHEREAS, since the beginning of this pandemic, rather than being engaged in the decision making process, local officials have been informed of these decisions via press conferences; and

WHEREAS, this lack of engagement and communication creates enormous challenges for local government bodies, and for this reason, it is critical that local officials, including members of the General Assembly, are involved in the pandemic response process.

WHEREAS, the Illinois General Assembly, a co-equal branch of government in Illinois, has remained in recess from the beginning of March until the end of May, 2020, held a brief session at the end of May during which the COVID-19 pandemic was not addressed by any substantive measures, and then remained in recess for the almost six months since that time; and

WHEREAS, the Illinois Emergency Management Agency Act (20 ILCS 3305/7) provides that the Governor may exercise emergency powers “for a period not to exceed 30 days;” and

WHEREAS, at least two courts of competent jurisdiction, including courts in Kane County and in Clay County, have issued Temporary Restraining Orders against enforcement of the Governor’s Executive Orders, characterizing them as unconstitutional; and

WHEREAS, the Illinois Emergency Management Agency Act also provides that the Act “shall not be construed to: (c) affect the jurisdiction or responsibilities of police forces, firefighting forces . . .” 20 ILCS 3305/3(c); and

VILLAGE OF ORLAND PARK

Resolution No: 2049

WHEREAS, indoor dining has not been shown to be the cause of the increase in cases of COVID-19, as indoor dining reopened in June of 2020 and an increase in the rate of transmission of cases did not begin to occur until months later; and

WHEREAS, these additional mitigations would severely harm food service businesses with the cold weather fast approaching and ability to continue outdoor dining extremely limited; and

WHEREAS, the rights of Illinois residents under the First, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution, as well as Sections Two, Four, Five, and Twenty-three of Article I of the Illinois Constitution are being significantly abridged by the requirements promulgated by Governor Pritzker in his Executive Orders; and

WHEREAS, the Governor has exceeded his authority to Act in both time and scope by issuing Orders beyond the time period provided for in the Illinois Emergency Management Agency Act and by issuing Orders that abridge the constitutional rights of Illinois residents without having a rational relationship to the efficacy of protecting public health and without care taken to narrowly tailor the action to be the least restrictive measure that will accomplish the stated goal; and

WHEREAS, the Illinois General Assembly, as a representative body, has the power and responsibility to take up these issues and legislate on behalf of the residents of Illinois in collaborative response to the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED, by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated by reference into this Section 1 and made a part hereof as though fully set forth herein.

SECTION 2

The Village President and Board of Trustees of the Village hereby call for the Illinois General Assembly to end its abdication of responsibility and reconvene to address the health, safety and welfare of Illinois residents in light of COVID-19 by exercising their valid authority to legislate in those areas.

SECTION 3

The Village President and Board of Trustees of the Village call for the General Assembly to reexamine the Governor's mandate to close all indoor dining.

VILLAGE OF ORLAND PARK

Resolution No: 2049

SECTION 4

The Village President and Board of Trustees of the Village call for the General Assembly to reexamine the Governor's Executive Orders and provide for fact-based mitigation measures with reasonable guidelines designed to promote the health and welfare of Illinois residents, including the residents of the Village.

SECTION 5

The Village President and Board of Trustees of the Village calls for the General Assembly to afford adequate due process for any municipal corporation or any individual resident of the State of Illinois or any business in the State of Illinois to appeal any stay-at-home restrictions or shut-down order based on their individual circumstances.

SECTION 6

The Village President and Board of Trustees of the Village calls for the General Assembly to significantly enhance efforts to protect vulnerable populations in long-term care facilities. Since the onset of this pandemic, long-term care facilities, which are regulated by the State of Illinois, have not received the necessary protection and support from the State of Illinois. Deaths as a result of the pandemic in long-term care facilities account for 52% of all pandemic related deaths. In Cook County, assuming equivalent data from DuPage County, it is estimated that deaths as a result of the pandemic in long-term care facilities exceed 70% of all pandemic related deaths. As a comparison, in DuPage County, COVID-19 outbreaks originating at restaurants account for 1.2% of total cases. The thousands of deaths among long-term care residents have ignited complaints about State of Illinois oversight of long-term care facilities.

SECTION 7

The Village President and Board of Trustees of the Village calls for the General Assembly to require the Governor and Executive Branch to increase transparency by providing to the general public the data, models and assumptions used as part of its pandemic response decision making.

SECTION 8

The Village President and Board of Trustees of the Village state that it is the policy of the Village not to take enforcement action in furtherance of the mitigations set forth in the Governor's Executive Orders, because the Illinois Emergency Management Agency Act provides for enforcement of Orders promulgated under that Act by Emergency Management and/or disaster agencies organized under that Act, and because the provisions of the Orders violate the rights of Village residents without being fact-based, necessary mitigations.

VILLAGE OF ORLAND PARK

Resolution No: 2049

SECTION 9

This Resolution shall be effective immediately upon its adoption as provided by law.

PASSED this 2nd day of November, 2020

/s/ John C. Mehalek

John C. Mehalek, Village Clerk

Aye: 4 Trustee Healy, Trustee Nelson Katsenes, Trustee Milani, and Village President Pekau

Nay: 3 Trustee Fenton, Trustee Dodge, and Trustee Calandriello

DEPOSITED in my office this 2nd day of November, 2020

/s/ John C. Mehalek

John C. Mehalek, Village Clerk

APPROVED this 2nd day of November, 2020

/s/ Keith Pekau

Keith Pekau, Village President