
ORDINANCE NO. 2020-21-02

An Ordinance Provisionally Requiring Remote Attendance for Public Hearings through June 30, 2020 to Protect Public Health and Safety from Coronavirus/COVID-19

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON MAY 19, 2020
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Sofiakis

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WHEREAS, the Village of Johnsburg, an Illinois municipal corporation located in McHenry County, Illinois (the “Village”) wishes to require remote attendance for public hearings to protect public health and safety of the public from Coronavirus/COVID-19; and

WHEREAS, pursuant to state law, Illinois Governor Pritzker has issued a Gubernatorial Disaster Proclamation in light of the dangers to public health presented by the spread of the Coronavirus disease 2019 (COVID-19); and

WHEREAS, on March 16, 2020 Governor Pritzker issued Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), that, among other things, provided in Section 6 that:

“During the duration of the Gubernatorial Disaster Proclamation, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that “members of a public body must be physically present” is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended.”;

and

WHEREAS, that same Section 6 encouraged public bodies to postpone consideration of public business where possible and, where a meeting remained necessary, encouraged public bodies “to provide video, audio, and/or telephone access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well as their activities relating to COVID-19.”; and

WHEREAS, on April 30, 2020 Governor Pritzker issued Executive Order No. 2020-33 (COVID-19 Executive Order No. 31) reissuing Executive Order No. 2020-07 (COVID-19 Executive Order No. 5); and

WHEREAS, on April 30, 2020 Governor Pritzker issued Executive Order No. 2020-32 (COVID-19 Executive Order No. 30) prohibiting public gatherings of ten people or more for the duration of the Gubernatorial Disaster Proclamation and the White House has discouraged social gatherings of greater than ten people to limit the spread of the virus; and

WHEREAS, on May 5, 2020 Governor Pritzker issued the Restore Illinois plan taking a public health approach to safely reopening the State of Illinois; and

WHEREAS, the State of Illinois is currently in Phase 2-Flattening of the Restore Illinois plan; and

WHEREAS, Phase 3-Recovery of the Restore Illinois plan will still prohibit gatherings of ten people or more and will not begin until May 29, 2020, at the earliest; and

WHEREAS, the Village wishes to ensure that the business of the Village can be conducted, as necessary, in a manner that does not compromise the public health but that still seeks to protect the values of public openness articulated in the Illinois Open Meetings Act; and

WHEREAS, the Village wishes to conduct public hearings remotely as public hearings generally attract more than ten people including Village Committee and Commission members, Village Board Trustees, Village staff, petitioners, and members of the public.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsborg, McHenry County, Illinois, as follows:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: That the Village hereby provisionally adopts the following rules for remote attendance for public hearings through, at least, June 30, 2020:

RULES FOR REMOTE ATTENDANCE FOR PUBLIC HEARINGS

Pursuant to Governor Pritzker's Executive Order No. 2020-07 (COVID-19 Executive Order No. 5), Executive Order No. 2020-32 (COVID-19 Executive Order No. 30), and Executive Order No. 2020-33 (COVID-19 Executive Order No. 31), and the Restore Illinois plan, and to protect public health and safety of the public from Coronavirus/COVID-19, the following remote attendance rules for public hearings before any board, commission, or committee shall be as follows:

1. Public hearings shall be conducted by audio and video conference (or comparable telephonic or electronic means that allows for reasonable contemporaneous, interactive communication between members of the Village body, petitioners, and the public) ("Remote Attendance"). Petitioners and the public shall participate by Remote Attendance, while members of the Village body may elect to be physically present.

2. Members shall be allowed to participate in public hearing by Remote Attendance.

3. Public hearing shall be held, and a quorum of the public body may be created and shall be permitted, by Remote Attendance; a quorum need not be physically present at the location of an open or closed meeting.

4. The minutes of every public hearing shall reflect the members physically present, absent, and present by Remote Attendance.

5. The Clerk or other party taking minutes shall be permitted to participate remotely and is authorized to record meetings as reasonably possible.

6. When reasonably safe and possible, the Village shall update its website and social media feed to keep the public fully apprised of proposed public hearings and options for public monitoring and/or comment.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage and approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Foreman, McEvoy, Curry, Hagen and Klemstein

Nay: None

Absent: Trustee Frost

Abstain:None

APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:



Village Clerk Claudett Sofiakis

Passed: May 19, 2020

Approved: May 19, 2020

Published: May 19, 2020

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CERTIFICATION


I, CLAUDETT SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a duly scheduled special meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 19th day of May, 2020, the foregoing Ordinance entitled *An Ordinance Provisionally Requiring Remote Attendance for Public Hearings through June 30, 2020 to Protect Public Health and Safety from Coronavirus/COVID-19*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 20-21-02 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 19 day of May, 2020, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 19th day of May, 2020.



Claudett Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)